

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13296 of 2024

Arising Out of PS. Case No.-96 Year-2021 Thana- BADHAILA District- Rohtas

Bashishtha Singh @ Munna Singh, Male, aged about 51 years, Son of Late Hira Singh, Resident of Village- Siyawank, P.S.- Baghaila, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanand Roy, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Baghaila PS Case No. 96 of 2021 instituted for the offences punishable under Sections 147, 148, 149, 341, 342, 504, 506, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, accused person variously armed with deadly weapon assaulted the informant's father due to which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He further submits that there is no any eye witness of the alleged occurrence, except the informant who claimed himself to be an eye witness of the



occurrence. He next submits that six prosecution witnesses have been examined including the doctor and I.O. and only one witness has been examined on behalf of the defence but no any material has come against the petitioner to connect in the crime. Petitioner is in custody since 18.07.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 1st Additional Sessions Judge, Rohtas at Sasaram dated 11.01.2024, it appears that on the basis of written report of the informant Rajesh Upadhyay against six accused persons including this petitioner that he along with other co-accused persons armed with deadly weapon assaulted the father of the informant due to which he died. Perusal of the impugned order that in the postmortem report the doctor found that the death of the deceased was due to haemorrhage and shock caused by firearm injury. The informant in his re-statement has also supported the prosecution case, C.D.R. and S.D.R. about conversions between this petitioner and co-accused through their mobile and the location of their mobile numbers found near the place of occurrence.

7. Considering the nature of allegation and the allegation of committing murder against this petitioner in



connivance with co-accused named in the FIR, the gravity and heinous nature of offence and cause of death shown in the postmortem report, the evidence collected by the investigating officer of the case against this petitioner as well as seriousness of offence, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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