

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53654 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Ramashray Singh @ Tuna Singh @ Ramashray Prasad Singh Son of Ram Sharan Singh R/O Vill.- Bibhutipur Shivnathpur, P.s.- Bibhutipur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Adv. Ms. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the State	:	Mr. Zainul Abedin, APP
For the Informant	:	Mr. Pramod Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 20-09-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. This is the second attempt. Earlier, the petitioner has moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 12.09.2023 passed in Cr. Misc. No. 50632 of 2023.

3. The petitioner seeks bail in connection with S.T. No. 64 of 2024 arising out of Bibhutipur P.S. Case No. 69 of 2023 instituted for the offences under Sections 147, 148, 149, 341, 323, 302, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

4. It is a double murder case. As per allegation in the



FIR, due to political rivalry, an scuffle took place between both the parties. Surendra Prasad Singh (deceased) runs a brick kiln and on the alleged date of occurrence, he was going to bring the coal crushing machinery with his co-villager, on way he was surrounded by accused Ram Balak Singh, the petitioner and other 5-6 accused persons. On order of Ram Balak Singh, accused Lal Babu Singh shot the deceased on head and Kailash Singh shot fire on face of Satyanarayan Singh as a result of which both persons fell down in unconscious condition and thereafter all the accused persons incessantly opened fire upon them. Petitioner has opened fire upon the informant but he ran away by his bike. Injured Surendra Pd. Singh was brought to the hospital for treatment but doctor declared him brought dead. Injured Satyanaryan Singh also died in way to hospital.

5. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. No specific allegation of firing is attributed to the petitioner. Assailants are six in number and have fired incessantly upon the two deceased persons, so it is very hard to say that petitioner has killed the deceased. Specific allegation of firing is against Ram Balak Singh and Kailash Kumar and not against the petitioner. Petitioner has got clean antecedent and languishing in judicial



custody since 6.3.2023.

6. On the other hand, learned A.P.P. for the State as well as the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is ample evidence against the petitioner to commit murder of two persons.

7. Pursuant to the order of this Court, the learned court below has sent status report dated 6th of August, 2024 stating therein that four witnesses have been examined and rest four have to be examined. It has also been stated that the trial will be concluded within 08 months.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the report sent by the learned court below, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a liberty that if the trial is not conclude within a period of five months from today, the petitioner may renew his prayer for bail before the court below which will be disposed of on merit without being prejudiced by this order.

10. The Superintendent of Police, Samstipur and



the District Magistrate, Samastipur are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court.

11. Let a copy of this order be sent to the Superintendent of Police, Samstipur and the District Magistrate, Samastipur.

(Rudra Prakash Mishra, J)

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