

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55711 of 2024

Arising Out of PS. Case No.-520 Year-2019 Thana- SITAMARHI District- Sitamarhi

Raghvendra Kumar Singh @ Chunnu Singh S/O Late Lalan Singh @ Krishna Kumar Singh Resident of village- Madhopur, PS- Piprahi, District- Sheohar presently residing in physical lane near the house of Dr. Manoj Kumar and Dr. P.N Jha, OP- mehsoul, PS- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-12-2024 Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sitamarhi P.S. Case No. 520 of 2019, registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that on the fateful day, while the informant along with his younger brother going to market on a motorcycle, they stopped the motorcycle near the hospital and the informant went to a nearby shop, where his mother was also present. In the meantime, all the FIR named accused persons, including the petitioner, caught hold the younger brother of the informant and



co-accused Keshav Singh (son of the petitioner) wiped out his pistol and shot him dead.

4. Learned Advocate for the petitioner contended that in fact, the petitioner has been maliciously implicated in this case, on account of some oblique purpose and to wreck vengeance against the entire family members. In fact on the alleged date and time of the occurrence, the petitioner was not even present at or near the spot. In order to uncover the truth, the petitioner's wife has also filed a representation before the Zonal IG. Pursuant thereto, investigation has been conducted and it has been found that the petitioner was not even present at the place of occurrence. This fact has been fortified by the statement of the independent witnesses as well as in CDR. The report of the Investigating Officer has also been placed on record.

5. Learned Advocate for the petitioner further contended that despite the aforesaid fact, when the prayer for issuance of process under Section 82 Cr.P.C. was made by the Investigating Officer, the jurisdictional Court has issued process under Section 82 Cr.P.C. on 09.03.2022, which compelled the petitioner to again approach before the Zonal IG, who directed the local Superintendent of Police to investigate on the point of false implication. The matter was again investigated and a report



in this regard was submitted, ruled out the presence of the petitioner on spot at the time of occurrence. The copy of the second report, submitted by the Investigating Officer has also been brought on record. Despite the aforesaid facts, the learned jurisdictional Court has issued process under Section 83 Cr.P.C., which orders have also been put to challenge in Cr. Misc. No. 10643 of 2023 and vide order dated 08.07.2024, the learned Court has stayed the impugned order of issuance of process. In the aforesaid premise, it is urged that the petitioner has been falsely implicated in this case, which fact has also been corroborated by the independent witnesses, during the course of investigation.

6. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the complicity of the petitioner cannot be ruled out, as the informant and her mother supported the prosecution case, that he is one of the person, who caught hold the deceased, whereupon his son has given fatal blow.

7. Regard being had to the submissions made on behalf of the parties and considering the aforementioned two reports of the Investigating Officers, based upon statement of independent witnesses and the CDR, which ruled out the



presence of the petitioner at the place of occurrence and the undertaking that he will fully co-operate in the investigation or in the proceeding of the Court, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi in connection with Sitamarhi P.S. Case No. 520 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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