

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52579 of 2023

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

Abhimanyu Singh Son of Shiv Shankar Singh @ Shankar Singh Resident Of
Village - Singhiya Buzurg South, Tola Shivnathpur, P.S. - Bibhutipur, District
- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60658 of 2023

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

Lalbabu Prasad @ Lalbabu Singh S/O Late Ram Jivan Singh R/O Village-
Singhiya Buzurg, Tola Shivnathpur, P.S- Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62115 of 2023

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

Kailash Singh @ Kailash Prasad Singh S/O Jageshwar Singh R/O Village-
Singhiya Buzurg, South Tola, Shivnathpur, P.S- Bibhutipur, Distt.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52579 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Ms. Vaishnavi Singh, Adv.
Mr. Ritwik Thakur, Adv.

For the State : Mr. Sanjay Kumar Tiwary, APP

For the Informant : Mr. Amarjeet Choudhary, Adv.

(In CRIMINAL MISCELLANEOUS No. 60658 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Ms. Vaishnavi Singh, Adv.



For the Opposite Party/s : Mr. Ritwik Thakur, Adv.
Ms. Renu Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 62115 of 2023)
For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Ms. Vaishnavi Singh, Adv.
Mr. Ritwik Thakur, Adv.
For the Opposite Party/s : Ms. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

7 11-03-2024 On the request of learned counsel for the parties,

all these bail applications have been taken up together and

are being disposed of by this common order.

2. Heard learned counsel for the parties as also

perused the case diary.

3. The petitioners seek bail in connection with

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. As per prosecution case, due to political rivalry, a

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 the accused Ram Balak Singh and other 5-6 accused



persons. On the order of Ram Balak Singh, accused Lal Babu Singh shot the deceased on his head and Kailash Singh shot fire on the face of Satyanarayan Singh as a result of which both the persons fell down in unconscious condition and, thereafter, all the accused persons incessantly opened fire upon them. The accused Ramashray Singh @ Tuna Singh opened fire upon the Informant but, he ran away by his bike. Injured Surendra Pd. Singh was brought to the hospital for treatment but, the doctor declared him brought dead and the injured Satyanarayan Singh also died in way to hospital.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He submits that the occurrence allegedly took place on 20.02.2023 at 7.30 A.M. and after receiving information, the police prepared the inquest report on the same day at about 11 A.M. and the police visited the place of occurrence where seizure list was also prepared at about 11.50 AM. It has further been submitted that the F.I.R. was lodged after more than twenty-four hours on commencement



of investigation i.e. on 21.02.2023 at about 2.30 P.M. but, there is no plausible explanation for such a long delay in lodging the F.I.R. which falsifies the present case. The petitioner/Abhimanyu Singh has one criminal antecedent whereas petitioner/Lalbabu Prasad @ Lalbabu has several criminal antecedents as have been mentioned in para-3 of the bail application and the petitioner/Kailash Singh @ Kailash Prasad Singh has also six criminal antecedents. He has further stated that there is no independent witness in the FIR as also there is no specific allegation against the petitioners. The petitioners are languishing in judicial custody since 13.03.2023/04.03.2023. Charge-sheet has been submitted against the petitioners. It has further been submitted that co-accused Rambalak Singh has already been granted bail by a Co-ordinate Bench of this Court vide order dated 20.07.2023 passed in Cr. Misc. No. 42943 of 2023.

6. Learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners submitting that it is a double murder case. The petitioners along with other co-accused persons incessantly



fired upon the two deceased persons as a result of which both succumbed due to fire-arm injury. In course of investigation, several witnesses have supported the prosecution case. In the postmortem report of both the deceased, the doctor has opined that the deceased Surendra Prasad Singh received two entry wounds caused by fire-arm and deceased Satyendra Singh received three entry wounds caused by fire-arm. He has also stated that from the case diary, it transpires that the Informant in his re-statement has supported the case of prosecution and other witnesses have also corroborated the re-statement of the Informant. In the confessional statement, the petitioner/Lal Babu Singh has narrated the entire story as occurred by him in the said case and has also stated the name of other accused persons who co-operated in the murder of Surendra Prasad Singh and Satya Narain Singh. From the impugned order, it appears that the charge-sheet has also been submitted against the petitioners along with others for the offences under Section 302/120B, 414, 467, 468/34 of the I.P.C. and Section 25(1-B)A, 26, 27, 35 of the Arms Act. He has



further stated that the prayer for bail of the co-accused Ramashray Singh @ Tuna Singh has been rejected by a Co-ordinate Bench of this Court vide order dated 12.09.2023 passed in Cr. Misc. No. 50632 of 2023.

7. Having heard learned counsel for the parties as also after going through the case diary, this Court finds that the the present case is a double murder case. From the case diary, it transpires that the Informant in his re-statement has supported the case of the prosecution and other witnesses have also corroborated the re-statement of the Informant. The Postmortem report also discloses that the deceased sustained fire-arm injuries upon their bodies due to which they died and thus, supported the prosecution case. There is also a specific and direct allegation against the petitioners to be involved in the murder of the deceased persons.

8. Thus, considering the gravity and heinous nature of offence as also the petitioners having criminal antecedent, this Court is not inclined to enlarge the petitioners on bail.

9. Accordingly, the prayer for bail of the



abovenamed petitioners stands rejected.

10. The court below is directed to expedite the trial and conclude the same expeditiously.

11. The District Magistrate, Samastipur and the Superintendent of Police, Samastipur are also hereby directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court.

12. Let a copy of this order be communicated to the District Magistrate, Samastipur and the Superintendent of Police, Samastipur for strict compliance of this order.

(Rudra Prakash Mishra, J)

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