

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65340 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- PAUTHU District- Aurangabad

Raushan Singh @ Raushan Kumar, aged about 24 years (Male), S/O Late Sewak Singh, R/O Village- Bahera, P.S.. Hunterganj, Dist. Chatra (Jharkhand)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Mrs. Vaishnavi Singh and Mr. Ritwik Thakur, Advocates
For the Opposite Party	:	Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 26-02-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Pauthu P.S. Case No. 132 of 2022 dated 15.12.2022 registered for the offences punishable under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 14.12.2022 at about 1.00 A.M., the petitioner and the co-accused persons having pistol, lathi and danda in their hands, surrounded his brother Nagendra Singh while he was sleeping. It is further alleged that the co-accused Chunnu Sharma and Raushan Singh (petitioner) took out pistol from their waist and opened fire on Nagendra Singh and fled away. When the informant came there he found



that his brother was lying dead. Thereafter, police came and took the dead body for postmortem examination.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the alleged occurrence took place on 14.12.2022 at 1.00 A.M. in the night and the F.I.R. was lodged on 15.12.2022 at 8.30 A.M. for which no explanation has been given by the prosecution. It is further submitted that police received information about the said incident early in the morning and reached the place of occurrence and the inquest was prepared on 15.12.2022 at 8.30 A.M. on the southern side of the pond in between Ahra and as per the inquest report there was only one sign of firing. It is further alleged that the alleged occurrence took place at 1.00 A.M. in the night and there was no means of identification and thus it is strange as to how the informant allegedly saw that two persons fired on the deceased. It is further submitted that during investigation, police has taken out the CDR and CAF of the mobile of the petitioner and found that at 21.59.57 second, its tower location was at Pauthu, at 22.08.19 hours its tower location was at Kurma Goh and this goes to show that the petitioner was not present at the place of occurrence and Kurma Goh is the Sasural of the petitioner's



sister where he went to see her. It is further submitted that during investigation, police further found that there was personal dispute between the present prosecution party and Mritunjay Sharma, Munna Sharma, Chhunu Sharma, Purushottam Sharma, Dhiraj Sharma and Sanjay Sharma because they have earlier killed the Mausera brother of the informant for which Khudwa P.S. Case No. 4 of 2016 has been lodged and in retaliation, Sanjay Sharma was killed by Manoj Sharma, Sanoj Pandey, Manish Sharma for which Town P.S. Case No. 124 of 2016 was lodged. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is further submitted by learned A.P.P. for the State that the petitioner and the co-accused Chhunu Sharma fired on the informant's brother Nagendra Singh @ Naga, as a result of which, he died.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender before the learned court below within a period of eight weeks from the date of receipt/production of a



copy of this order and the learned court below shall consider the prayer for regular bail of the petitioner without being prejudiced of the order of this Court in connection with Pauthu P.S. Case No. 132 of 2022, pending in the court of learned Chief Judicial Magistrate, Aurangabad.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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