

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72480 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- BAHERI District- Darbhanga

Kanhaiya Kumar Singh @kanhaiya Singh Son Of Upendra Singh Resident Of
Village- Jorja, Ps- Baheri, Dist- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Girish Chandra Jha
For the State	:	Mr.Anil Prasad Singh
For the Victim	:	Mr. Sanjeev Kumar Jha
		Mr. Jayant Anand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 06-09-2024 **1.** Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the victim.
- 2.** The petitioner seeks bail in connection with Baheri PS Case No. 219 of 2023 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.
- 3.** Learned counsel for the petitioner submits that the instant FIR was instituted by Kundan Singh with an allegation that they were going to attend a marriage on Bolero vehicle when Anil Singh, Manish Singh and Munna Singh were murdered in broad day light by means of blast firing through fire arms.



4. It is next submitted that the FIR was instituted against unknown and subsequently, during the course of investigation, the informant himself became an accused. It is further submitted that the name of the petitioner transpired during the course of investigation based on secret information that petitioner acted as a liner in the occurrence. It is next submitted that the easiest way to implicate someone is to implicate him on the basis of secret information, it is next submitted that though the petitioner in his confessional statement has confessed that he acted like a liner but then confession in police custody does not have evidentiary value.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the victim opposes the prayer for bail of the petitioner. Learned counsel for the victim submits that a gruesome occurrence took place in which three persons were killed in broad daylight. It is further submitted that during the course of investigation, it transpired that petitioner acted as a liner in the occurrence, based on which the occurrence was committed. It is further submitted that during the course of investigation, it also transpired based on the investigation of the CDR (Call Detail Record) that petitioner was found near the place of occurrence at the time of occurrence and had also made



calls to another co-accused Anu singh.

6. Considering the submission made by learned counsel for the victim and the fact that three persons were murdered in the broad daylight, the Court is not inclined to extend the privilege of bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is rejected.

(Satyavrat Verma, J)

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