

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5321 of 2024

Arising Out of PS. Case No.-254 Year-2023 Thana- BAHERI District- Darbhanga

1. Satish Singh, aged about 50 years, Male Son of Late Ram Narayan Singh, resident of Village-Sonama, Police Station-Baheri, District-Darbhangha.
2. Amod Kumar Singh, aged about 26 years, Male, Son of Satish Singh, resident of Village-Sonama, Police Station-Baheri, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narayan Singh, Advocate

Mr. Navin Prasad Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Baheri
PS Case No. 254 of 2023 instituted for the offences punishable
under Sections 302, 120(B)/34 of the Indian Penal Code.

3. As per the prosecution case, it is case of murder of
son of the informant as well as his mother by the accused
persons.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence and



have falsely been implicated in this case merely on the basis of land dispute between the parties. There is no any eye witness of the occurrence and the name of the petitioners have been given in the present case only on the basis of suspicion by the informant. petitioners have got no criminal antecedent as stated in para 3 of the petition and are in custody since 11.08.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report, and impugned order of the learned Additional District and Sessions Judge-V, Darbhanga dated 07.11.2023, it appears that on the basis of written report of the informant Dilip Kumar Singh, the FIR has been lodged under sections 302, 120B and 34 of the IPC against four named and two unknown persons including the petitioners. Petitioners and other accused persons Kanchan Singh and informant are descendant of common ancestors and due to land dispute between co-sharers, their names have given in the case due to enmity arising out of it. Perusal of the FIR, it appears that informant is not an eye witness of the alleged occurrence. The postmortem report shows that all the injures on the head/skull both of the deceased are grievous in nature caused by hard and blunt substance. In the case diary, several witnesses have been examined and they have



supported the version in the FIR. From perusal of the entire case diary no any eye witness of the occurrence except Manohar Chaupal. His Statement recorded under Section 161 of the Cr.P.C. and para 41 of the case diary also states that he has not seen committing of the murder but he has seen that the accused persons were fleeing from the place of occurrence. He has also not stated about the presence of Satish Singh at the place of occurrence and no specific allegation of sharp edged weapon against petitioner no. 1, namely Satish Singh, accordingly the prayer for bail of petitioner no. 1, namely Satish Singh is allowed. Let the petitioner no. 1, namely Satish Singh be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Darbhanga in connection with Baheri PS Case No. 254 of 2023.

7. So far as petitioner no. 2, namely Amod Kumar Singh is concerned, there is specific allegation of committing the murder of the deceased persons and he has been seen with Kanchan Singh at the place of occurrence with shovel in their hands by witness Manohar Chaupal. The postmortem report and injury report also supports the case of prosecution. Hence,



the prayer for bail of petitioner no. 2, namely Amod Kumar
Singh is hereby rejected.

(Ramesh Chand Malviya, J)

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