

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2862 of 2025

Arising Out of PS. Case No.-86 Year-2023 Thana- PARBATTa District- Khagaria

Gautam Singh @ Rahul Singh S/o Mr. Luro Singh Resident of village- Karna,
PS- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 15-04-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Parbatta P.S. Case no.86 of 2023 registered under sections 302, 323, 325, 341, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that the accused persons named in the FIR including the petitioner herein came variously armed with country made pistol, lathi, danda etc. On the orders of Sita Devi, it is stated that Luro Singh fired hitting the informant's wife in her face. The second shot was fired by this petitioner which hit the informant's wife in her chest and she died on the spot. On hulla being raised, the accused persons escaped.



4. Learned counsel for the petitioner submits that the petitioner happens to be the nephew of the informant. He has been falsely implicated in the case because of disputes between the parties. The manner of occurrence is other than what has been narrated in the FIR. There is a delay in lodging of the FIR from the time that information was received by the police as is evident from the contents of the case diary. It is further submitted that the statement of the daughter-in-law and son of the informant were recorded in paragraph nos.9 and 12 of the case diary wherein no specific allegation of firing has been levelled by them against any person. Further, referring to the order rejecting bail to co-accused Luro Singh vide order dated 29.2.2024 passed in Cr. Misc. no.80133 of 2023, it is submitted that while the said accused is also said to have fired the first shot hitting the wife of the informant in her face, the application for bail was rejected with the observation to renew the prayer after six months in the trial Court and pursuant to the same he has been enlarged on bail by the learned Court below. This petitioner is in custody since 31.10.2023 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State.



6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR wherein he is said to have fired hitting the informant's wife in the chest leading to her death and a corresponding injury having been found in the post-mortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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