

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36335 of 2024**

Arising Out of PS. Case No.-21 Year-2019 Thana- TIKAPATTI District- Purnia

Pawan Singh @ Pawan Kumar Singh, aged about 32 years, Male, Son Of
Late Gyan Chand Singh, Resident Of Sapaha, P.S. - Tikapatti, District –
Purnia

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agarwal, Sr. Advocate and Mr. Dhananjay Kumar Tiwary, Advocate
For the Informant	:	Mr. Bidhu Ranjan, Advocate
For the Opposite Party	:	Mr. Yogendra Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 07-05-2025 Heard learned senior counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sessions Trial No. 376 of 2023 (CIS No. 376 of 2023), arising
out of Tikapatti P.S. Case No. 21 of 2019 dated 04.03.2019
registered for the offences punishable under Sections 302, 120B
read with Section 34 of the I.P.C. and Section 27 of the Arms
Act.

3. As per the prosecution case, on 03.03.2019, the
husband of the informant was coming house from his



Motorcycle bearing Registration No. BR11E 3829. Her husband sent message to her to send Jawahar Singh, he would come with him, accordingly, she sent Jawahar Singh and Jawahar Singh and her husband was coming from separate motorcycle. She was watching for their arrival. In the meantime, on hearing noise, she went there and saw that all the F.I.R. named accused persons have confined her husband. In the meantime, Pawan Singh (petitioner) shot on the *rib cage (Panjra)* of her husband. Her husband sustained firearm injury and fell down from the Motorcycle. In the meantime, the co-accused Pahari Singh also fired on him. Her husband again sustained injury in his *chick*. Thereafter, all accused persons fled away from the place of occurrence towards north side. Her husband died at the spot.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner and the co-accused person Pahari Singh are full brothers and they have falsely been implicated in the present case merely because the brother of the petitioner had lodged Tikapatti P.S. Case No. 88 of 2017 registered for the offences punishable under Sections 302, 201 read with Section 34 of the I.P.C. in which the informant's husband (deceased) was an



accused. The postmortem report of the deceased suggests four wounds of entry caused by firearms which also suggests that the informant is not an eye witness to the alleged offence as her version does not support the postmortem report. The petitioner is himself victim in the present case who has been framed in this case. Learned senior counsel for the petitioner by filing of second supplementary affidavit on behalf of the petitioner has submitted that the co-accused Pahari Singh who is alleged to have fired on the face of the deceased has already been acquitted vide judgment dated 22.08.2024 passed in Sessions Trial No. 39 of 2021, CIS No. 39 of 2021, G.R No. 688 of 2019 arising out of Tikapatti P.S. Case No. 21 of 2019 by the learned Additional District and Sessions Judge-XII, Civil Court, Purnea, annexed as Annexure/P/3 to the second supplementary affidavit filed on behalf of the petitioner. It is further submitted that the petitioner has six criminal antecedents and in two cases, he is on bail as stated in paragraph no. 3 of the present bail application. The petitioner is in custody in this case since 27.03.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioner. Learned counsel for the informant has further submitted that the petitioner and other co-accused person



Pahari Singh have fired on the informant's husband, due to which, he died.

6. Vide order dated 25.03.2025, a report with regard to the present stage of trial of the present case was called for and in compliance thereof, the learned District and Additional Sessions Judge-4th, Purnea, vide its Letter No. 276/2025 dated 05.05.2025 has sent a report with regard to the present stage of the case to this Court in which it has been reported that the charge has been framed against the petitioner. Now the case record is fixed for prosecution evidence. Upon issuance of processes including NBW by the court, total eight witnesses, out of twelve witnesses as named in charge sheet, have been examined till date. The case record is fixed on 17.04.2025 for prosecution evidence.

7. Considering the aforesaid facts and circumstances of the case and finding substance in the contention of the learned counsel for the informant, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Sessions Trial No. 376 of 2023 (CIS No. 376 of 2023), arising out of Tikapatti P.S. Case No. 21 of 2019, pending in the court of learned 3rd Additional District and Sessions Judge, Purnea.

8. The application stands rejected.



9. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

