

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76671 of 2024

Arising Out of PS. Case No.-417 Year-2023 Thana- BARAUNI District- Begusarai

Amrit Singh @ Botla, S/O Nepo Singh @ Harishchandra Singh, R/O- Bihat
Khemkaranpur, P.S- Barauni (FCI), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 82492 of 2024

Arising Out of PS. Case No.-417 Year-2023 Thana- BARAUNI District- Begusarai

Tirath Singh @ Tirath Kumar, Son of Chandra Bhushan Singh, Resident of
Village -Ratanpur PS -Nagar (Ratanpur O P) District -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 76671 of 2024)

For the Petitioner/s : Mr. Ansul Raj, Sr. Advocate
Mr. Anuj Kr., Advocate

For the State : Mr. Pranav Kumar, APP

For the Informant : Mr. Sandeep Kr. Gautam, Advocate

(In CRIMINAL MISCELLANEOUS No. 82492 of 2024)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Arun Kumar, Advocate
Mr. Raghubir Chandrayan, Advocate

For the State : Mr. Binod Kumar, APP

For the Informant : Mr. Sandeep Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 03-04-2025 Heard learned counsel for the petitioners, learned
APPs for the State and learned counsel for the Informant.

2. The petitioners have prayed for regular bail in a
case registered for the offence punishable under Sections 302,
201 and 120(B)/34 of the Indian Penal Code.

3. The case of the prosecution is that on 11-12



August, 2023 at about 00:23 A.M., the driver of the informant, namely, Mantu Kumar informed on mobile that in the house of Amrit Singh near Zero mile, Hotel Royal Palace, Amrit Singh, Tirath Singh, Rakesh Gautam and Laxman Gautam have killed Ashutosh Kumar by firing. It is further alleged that they fled away after boarding the dead body in a white colour Scorpio. After this, the informant proceeded to Sadar Hospital, Begusarai where she found the dead body of her husband in the post-mortem house. Further allegation is that Tirath Singh has given threatening that if the dispute of land of Rintu is not resolved, he will be killed. From perusal of the diary it transpires that Amrit and Nilesh both are the eye-witnesses. In para-3 Nilesh has stated that Amrit has called repeatedly to Ashutosh and was calling him near Royal Hotel Palace, from the house of Amrit Singh. Ashutosh went there and it is further alleged that on the third floor of the house of Amrit Singh, Tirath Singh made indiscriminate firing due to which Ashutosh Kumar Singh died. Same statement has been given by Mantu Kumar as well.

4. Learned counsel for the petitioner (Amrit Singh @ Botla) has submitted that in this case there is specific allegation against Tirath Singh and the only allegation against this petitioner is that he has called the deceased at his house. It



has also been submitted by the learned counsel that a similary situated co-accused Laxman has been granted bail by the learned Co-ordinate Bench vide Cr. Misc. Case No. 77386 of 2023.

5. As far as, Tirath Singh is concerned, learned counsel for the petitioner (Tirath Singh) has submitted that in this case there is no eye-witness and that prior to the occurrence Ashutosh Singh has filed a case that Rahul has threatened him of dire consequence.

6. Learned APP for the State as well as learned counsel for the Informant have opposed the prayer for bail of the petitioners.

7. From perusal of the entire materials it transpires that it is Amrit who has called the deceased at his house where he was being killed by Tirath Singh.

8. Considering above facts and circumstances of the case, I am not inclined to grant bail to the petitioners at this stage, however, the petitioners are at liberty to renew their prayer for bail after six months if the trial is not concluded.

(Ashok Kumar Pandey, J)

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