

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29844 of 2014

Arising Out of PS.Case No. -139 Year- 2013 Thana -MUSRIGHARARI District- SAMASTIPUR

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Ranjeet Kumar @ Ranjeet Rai, Son of Ram Jatan Rai, Resident of Village-
Bakhari, Police Station- Musharigharari, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 30-01-2015

Heard both sides.

The petitioner seeks bail in Mushrigharari P.S. Case No. 139 of 2013 registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that the petitioner Ranjeet Rai took his brother to settle the dispute with Lal Babu Raut and others. It is further submitted that he got information from Ranjan Kumar, nephew of the informant, that his brother was shot at and, on such information, he went to the place of occurrence. His brother disclosed that Lal Babu Raut and Vishal Rai caught him and Ranjeet Rai fired in his temple. The deceased died on way to hospital.

Learned counsel for the petitioner submits that there is no eye witness of the occurrence. Santosh Kumar Jha firstly saw



the deceased lying on the ground and said that the deceased was speaking something in a feeble voice. He informed Ajay Kumar, who informed the informant about the occurrence. It is further submitted that after nine days of the occurrence, Santosh Kumar Jha came as an eye witness of the occurrence and disclosed that it was the petitioner who fired on the deceased. It is further submitted that the deceased got injuries in his temple and after having received such injury, a man cannot speak. Therefore, the story of dying declaration of the deceased is not worth reliable.

On perusal of the records, it appears that it was the petitioner, who took the deceased with him. Thereafter, the deceased was shot at. Subodh Kumar also saw the deceased lying on the road. The informant stated that when he reached at the place of occurrence, his brother disclosed that it was Ranjit Rai, who fired when Lal Babu Raut and Vishal Rai caught him. Santosh Kumar Jha, of course, came after nine days of the occurrence, but also disclosed that it was Ranjit Rai, who fired and consequently the brother of the informant died.

Considering the fact that it was the petitioner who took the deceased along with him and alleged to have fired on him, I am not inclined to enlarge the petitioner on bail in Mushragharari P.S. Case No. 139 of 2013. Accordingly, the same

is rejected.

The learned court below is directed to expedite the trial and conclude the same within one year from the date of receipt / production of this order.

If the trial is not concluded within the stipulated period without any fault on the part of the petitioner, the petitioner may renew the prayer for bail firstly in the trial court.

(Prabhat Kumar Jha, J)

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