

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57987 of 2015

Arising Out of PS.Case No. -402 Year- 2015 Thana -BIHTA District- PATNA

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1. RAKESH SINGH @ RAKESH KUMAR Son of Vidya Singh Resident
of Village - Katarhi, P.s.- Rani Talab, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 18-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Bihta P.S. Case No.
402 of 2015 registered for the offences punishable under Sections
302/34 of the Indian Penal Code and Section 27of the Arms Act.

Allegedly, the petitioner and two other co-accused went at
the house of the informant, took away Rajnish Kumar @ Bhola, the son
of the informant, on the motorcycle at 6:00 pm and thereafter, at 9:39
pm Rajnish Kumar informed Sonu Kumar through mobile that the
petitioner and co-accused have shot him and thereafter, they fled away
and then the informant, Sonu the son of the informant and Sitamati
Devi the wife of the informant and other family members went there
and before them also Rajnish took the names of those three persons as
assailant. Later on Rajnish died during treatment in Paras Hospital.

Submission is of false implication and that from call details

of mobile it does not reveal that the petitioner has talked either with the deceased or with other co-accused, no tangible and cogent material has been collected during investigation, the petitioner was arrested at once which also goes to show his innocence, the said mobile from which Rajnish talked with Sonu Kumar was not recovered from the place of occurrence or from the pocket of Rajnish Kumar and as such the petitioner who is suffering in custody since 06.06.2015 deserves sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes by submitting that Rajnish before his death has stated the name of the petitioner as assailant and further the petitioner has confessed his guilt also stating his participation in the crime, cunningly has not stated that he also shot the deceased.

In the facts and circumstances stated above, considering that Rajnish Kumar @ Bhola before his death has stated the name of the petitioner and further the petitioner is named in the FIR who has taken away the deceased, at this stage, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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