

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46355 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -JAKKANPUR District- PATNA

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Rajnish Kumar Singh @ Rajnish Kumar Son of Late Rajeshwar Prasad Singh, Resident of Village- Birpur, P.S.- Jurawanpur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Adv.

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 20-12-2016 Heard both sides.

The petitioner seeks bail in Jakkanpur P.S. Case No. 15/2016, registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code.

The informant police officer alleged that she got information that a person killed a lady in auto-rickshaw. From the possession of that lady a visiting card of Mani International Hotel was recovered. On enquiry, it transpired that the deceased was Shristi Jain, daughter of Sushil Jain resident of Indore. The petitioner Rajnish Kumar Singh and Rahul Kumar Singh came along with the deceased and stayed in hotel in room no. 106 and 107 respectively. The Auto-rickshaw driver was telephoned and he disclosed that a person riding on a white colour Bullet Motorcycle repeatedly fired on the lady killing her on the spot. The informant



further enquired from the hotel staff and it transpired that just before the occurrence there was some verbal altercation with the deceased and the petitioner was riding on a white Bullet Motorcycle. The episode of verbal altercation was snapped in the CCTV camera.

Learned counsel for the petitioner submits that there may be circumstantial evidence, but there is no direct evidence to show that the petitioner killed the lady. Only the driver of the auto-rickshaw is the sole eye-witness of the occurrence. Auto-rickshaw driver disclosed that the person riding on a white Bullet Motorcycle fired on the lady killing her inside the auto, but the petitioner was not put on T.I.P., so that the Auto-rickshaw driver may identify the petitioner. The registration number of the Bullet Motorcycle was also not disclosed by the driver of the auto-rickshaw. Save and except suspicion there is no direct evidence against the petitioners. It is further submitted that the petitioner is suffering from kidney ailments. His wife donated kidney. The kidney was transplanted, but the same was not successful. The informant police officer got information about the killing of the lady and when the informant reached at the place of occurrence, the visiting card of Mani International Hotel was recovered from the possession of the deceased, on the basis of which the staff of hotel was interrogated. They disclosed that the deceased had come



along with the petitioner and one Rahul Kumar Singh and deceased stayed in room no. 107 and Rajnish Kumar Singh (petitioner) and Rahul Singh stayed in room no. 106. Rajnish Kumar Singh and Rahul Singh left the hotel room on the subsequent day, but the deceased did not left the hotel, as she did not get confirmed ticket. Staff of the hotel disclosed that on the same day petitioner came and picked up verbal altercation with the deceased. Petitioner was asking the deceased to accompany him, but the deceased refused. All this verbal altercation was snapped in the CCTV camera. The deceased left the hotel and boarded on auto-rickshaw, but immediately thereafter, she was shot dead. The hotel staff also disclosed that the petitioner had come on a white colour Bullet Motorcycle. The occurrence took place just some distance away from the hotel and the auto-rickshaw driver also disclosed that the person riding on a white colour Bullet Motorcycle shot at the lady. There is very proximity between the occurrence of firing and the verbal altercation with the petitioner near the hotel.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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