

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30434 of 2017

Arising Out of PS.Case No. -354 Year- 2013 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Ram Vijay Kumar, Son of yashwant Prasad Singh, Resident of Village-
Hemza, P.S.-Pachmahla, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
20.04.2017 in connection with Muffasil P.S. Case No. 354 of 2013
for offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant is that
he along with his relative Roshan Kumar proceeded to Kailash
Motel, after receiving a call on mobile no. 7549647688 of Roshan
Kumar by the co-accused Pujari as he was in trouble and he
needed help. After reaching there, Pujari was standing with the
petitioner and both were asking Roshan Kumar for beer. In the
meantime, Vinod Kumar and Sanjay Kumar who were going to



Zeromile from Begusarai, stopped their Bolero and advised Roshan Kumar to return to his village Matihani as his wife is observing “Teez” and she is waiting for him. Then the informant along with Roshan Kumar started to proceed towards Matihani. In the meantime, petitioner along with co-accused Pujari started firing on Roshan Kumar who fell down from the motorcycle and informant anyhow managed to escape in a nearby hut from where he saw that petitioner and co-accused firing at the deceased one after another who succumbed to the gun-shot injury on the spot.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. The said incident happened in the night and there was no light more so to say, who fired on the deceased Roshan Kumar. He submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner

However, learned APP for the State opposes the prayer for bail stating therein that the informant has seen the petitioner and co-accused firing gun-shot on the deceased. Post-mortem report also specifies gun-shot injury.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail



to the petitioner at this stage and accordingly his prayer stands rejected in connection with Muffasil P.S. Case No. 354 of 2013 pending in the Court of learned Additional Chief Judicial Magistrate-III, Begusarai.

(Nilu Agrawal, J)

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