

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26267 of 2017

Arising Out of PS.Case No. -241 Year- 2016 Thana -BEUR District- PATNA

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1. Santosh Kumar Son of Late Shyam Babu Rai, R/o Hashanpura
(Hasanpura Road) Near Uday Kumar Mukhiya, P.S.- Beur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary
For the State : Mr. Pancha Nand Pandit
For the informant : Mr. Vijay Kumar Sinha
Mr. S.K. Bhatnagar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 11-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in custody since 20.10.2016 in
connection with Sessions Trial No. 133/2017, arising out of Beur
P.S. Case No. 241/2016 for offences punishable under Sections
302, 120-B, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while her husband Ram Chandra Jha (deceased) was returning
home on a motorcycle at 8.00 P.M. after buying vegetables and
was 20 steps away from home, the petitioner along with five
others and some unknown persons came and started indiscriminate
firing on which her husband succumbed to the injuries while being



taken to the hospital. It is alleged that the cause of occurrence is previous enmity regarding the marble shop, which the husband owned earlier but was later on shifted to another premises. It is further alleged that one of the co-accused Ranjeet Kumar @ Bittu has given Rs. 1,50,000/- to one Rohit Kumar for killing him.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the allegation by the informant later on upon the petitioner has retracted upon two unknown persons of hitting the deceased on the chest while in the First Information Report there is specific allegation upon the petitioner of hitting at the chest along with other co-accused Ranjeet @ Bittu. He further submits that the trial is going on and the petitioner is ready to cooperate during trial and abide by the terms and conditions imposed.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that the informant is the wife of the deceased, she has seen the occurrence and the petitioner is known to her as he has a sand godown near her husband's marble shop. It is further submitted that the post mortem report specifies six fire-arm injuries caused



by the petitioner and other accused persons.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Sessions Trial No. 133/2017, arising out of Beur P.S. Case No. 241/2016, pending in the court of learned A.D.J.-III, Patna.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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