

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3528 of 2018

Arising Out of PS. Case No.-229 Year-2017 Thana- JAGDIHSPUR District- Bhojpur

Rahul Kumar @ Anil, Son of Ramesh Singh, Resident of Village- Siyarua,
P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lakshmi Kant Sharma
for the informant	:	Mr. Anil Kumar
		Mr. Chandra Moleshwar
For the Opposite Party/s :		Mr. Nawal Kishore Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-02-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since 22.09.2017 in connection with Jagdishpur P.S. Case No. 229 of 2017 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 her son Vishal Kumar went to coaching to take tuition and on the way six persons fired indiscriminately, resultantly, the informant's son succumbed to the injury.

It has been submitted by the learned counsel for



the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the informant is not the eye-witness to the alleged occurrence and another co-accused Ujjwal Kumar @ Ujjwala Singh @ Golu Kumar @ Golu has been granted pre-arrest bail by this Court. He further submits that charge-sheet has already been submitted and except suspicion there is no other allegation against the petitioner.

However, learned counsel appearing for the informant vehemently opposes the prayer for bail stating therein that there was strong motive behind the said killing and some witnesses have narrated that the informant's son had a love affair with the petitioner's sister. He submits that there is also an eye-witness, who has seen the occurrence, as is evident from paragraph 36 of the case diary.

Learned APP for the State also opposes the prayer for bail.

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 Jagdishpur P.S. Case No. 229 of 2017, pending in the court



of learned A.C.J.M.-11, Bhojpur at Ara. However, petitioner may renew his prayer for grant of bail after framing of charge.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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