

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4968 of 2019**

Arising out of PS. Case No.-123 Year-2017 Thana- CHANDRADIP District- Jamui

Rishu Kumar Ashok Kumar @ Ashok Pandey Resident of village-Dhanama,
P.S-Chandardip, District-Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 10-07-2019 Heard the learned counsel for the petitioner and the
learned Additional P.P. for the State.

The petitioner seeks regular bail in connection with
Chandradip P.S. Case No. 123 of 2017, registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307 and 392 of the Indian Penal Code and Section 27 of the
Arms Act.

This is a second attempt on behalf of the petitioner
for grant of regular bail inasmuch as the earlier petition of the
petitioner for grant of regular bail was permitted to be
withdrawn with liberty to renew his prayer for bail after six
months by an order dated 03.07.2018 passed in Criminal Misc.
No. 21161 of 2018.

The case of the prosecution as per the fardbeyan of



the informant, namely, Asha Sinha dated 14.12.2017 is that on 11.12.2017 at about 1;30 A.M. in the night when she along with her husband had come to her old residential house and had opened the door as well as had entered inside the house, six armed criminals forcefully entered the house and committed loot of various articles and cash as also jewellery and upon making an objection, one criminal of the same village , namely, Sudhir Kumar had fired gun shot on the husband of the informant resulting in the same hitting the right jaw of the husband of the informant whereafter another criminal, namely, Ram Balak Mahto had also fired gun shot on the husband of the informant. Thereafter, the informant is stated to have raised an alarm whereupon another criminal, namely, Sanjay Mahto had hit the informant on her right hand by a sword resulting in cutting of the finger and hand of the informant to the extent that only a portion of the skin was joining the hand with the arm. Thereupon, the petitioner herein had hit with a knife resulting in cutting of the finger of the left hand and had also inflicted blow on the head. The informant has also alleged that other criminals were also present there and had engaged in committing loot.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has a clean antecedent and



has been falsely implicated in the present case. It is further submitted that some co-accused persons have already been granted bail.

Per contra, the learned A.P.P. for the State, referring to the case diary, has submitted that there are ample material in the case diary to show complicity of the petitioner in the instant case and even the medical report of the injured victim corroborates the injury inflicted by the petitioner by means of a knife. The witnesses have also supported the case of the prosecution and the Police has filed charge sheet in the present case under Sections 147, 148, 149, 341, 364, 511, 326, 307, 379, 452 and 120B of the Indian Penal Code as also under Section 27 of the Arms Act dated 28.02.2018 against the petitioner and the other accused persons. Hence, *prima facie* the case of the prosecution has been found to be true, thus the petitioner does not deserve to be enlarged on bail.

I have heard the learned counsel for the parties and have gone through the materials on record and I find that the injuries inflicted on the victims are grievous in nature, there are ample materials in the case diary to show the complicity of the petitioner in the present case and the Police has also *prima facie* found the case to be true as against the petitioner herein and



against the other accused persons inasmuch as charge sheet has already been filed by the Police, hence at the moment this Court is not inclined to grant the privilege of regular bail to the petitioner herein, hence the present petition is dismissed. Nonetheless, I grant liberty to the petitioner to renew his prayer for bail immediately after completion of 24 months of custody.

(Mohit Kumar Shah, J)

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