

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.549 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

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SURAJBHAN SINGH, Male, aged about 17 years, Son of Indradev Prasad, Resident of Village- Manjaitha P.O.- Eksan, P.S.- Chabilapur, District- Nalanda, under the guardianship of his father namely, Indradeo Prasad, Male, age about 49 years, Son of Shukhan Mahto, Resident of Manjaitha, P.O.- Eksan, P.s.- Chhabilapur and District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr.Santosh Kumar, Advocate.
For the State	:	Mr.Bal Mukund Prasad Sinha, A.P.P.
For the Informant	:	M/S. Chandan Kumar Kashyap and Dhramveer, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2019 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

This Criminal Revision has been preferred against the order dated 13.03.2019, passed by learned Additional Sessions Judge 1st-cum-Special Judge, POCSO Act, Begusarai in J.J.C.P. 01/2019, arising out of Sahebpur Kamal P.S. Case No. 133 of 2018, J.J.B. No. 123 of 2016, registered for the offences under Sections 447, 302, 120(B)/34 of the IPC and 27 of the Arms Act, whereby and whereunder learned Additional Sessions Judge 1st-cum-Special Judge, POCSO Act, Begusarai has dismissed the bail application of the petitioner.



The prosecution story, in brief, is that on 16.05.2018 at about 9.30 P.M. the husband of the informant was sleeping in *Verandah*. Her mother-in-law was also sleeping in adjacent room. She alongwith her two children was sleeping in another room at the upper floor. She suddenly wake up and saw that the main gate was open. She asked her mother-in-law upon which she told that she did not open the door. She came in *Verandah* and asked her husband but he did not give reply. She pushed her husband to woke up but he fell down in other side. She, in the light of the *Bulb*, found bleeding from the temporal region of skull. On her shouting, her mother-in-law alongwith other villagers came and saw the dead body. She claimed that unknown criminals might have killed her husband.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 14.08.2018. Charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has come on the basis of confessional statement of co-accused. There is no eye witness to the alleged



occurrence. Other co-accused has been granted bail by the then Co-ordinate Bench of this Court in Cr. Misc. No. 76691 of 2018 under order dated 20.02.2019, vide Annexure-4 to the present application.

On behalf of the State and informant, it has been submitted that the informant is not named in the F.I.R. but the informant of the present case who happened to be the wife of the deceased has been made accused in course of investigation. The co-accused (wife of the deceased) in her confession has stated that she had developed physical relationship with the petitioner and for the said reason, the petitioner had shot dead the deceased. One empty cartridge was recovered from the place of occurrence. The place of occurrence is the house of the deceased. The postmortem report also corroborates the confession made by the wife of the deceased.

Further the report of the Probation Officer reveals that the petitioner has passed out in the Intermediate Examination. After passing of Intermediate Examination, he went to Jaipur and Patna for coaching classes where he involved in crime due to his friendship with some criminals.

Considering the aforesaid facts and circumstances, I find no infirmity in the order dated 13.03.2019, passed by



learned Additional Sessions Judge 1st-cum-Special Judge,
POCSO Act, Begusarai in J.J.C.P. 01/2019, arising out of
Sahebpur Kamal P.S. Case No. 133 of 2018, J.J.B. No. 123 of
2016.

Accordingly, the present Criminal Revision
application stands dismissed.

The court below is directed to take all necessary steps
to expedite the trial and conclude the same preferably within a
period of nine months.

(Sudhir Singh, J)

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