

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68000 of 2018

Arising Out of PS. Case No.-15 Year-2016 Thana- JAKKANPUR District- Patna

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Rajnish Kumar Singh @ Rajnish Kumar Son of Late Rajeshwar Prasad Singh
Resident of Village-Birpur,P.S. Jurawanpur,Distt.-Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 13-02-2019 Heard both sides.

The petitioner seeks bail in Jakkanpur P.S. case No. 15 of 2016, corresponding to Sessions Trial No. 488 of 2016, registered under Section 302, 120B of the Indian Penal Code and under Section 27 of the Arms Act.

The learned counsel for the petitioner submits that petitioner had earlier moved this court for grant of bail vide Cr. Misc. No. 46355 of 2016 and his prayer for bail was rejected vide order dated 20.12.2016 but no substantive progress is made in the trial. The informant is not an eye witness of the occurrence. The informant after having received the information arrived at the place of occurrence and carried the injured to the doctor who declared her brought dead. It is further submitted that on 25.01.2016 at about 10 A.M. when the deceased was



going out from the hotel the petitioner, Rajnish Singh, came on a white colour Bullet motor cycle and started exerting pressure on her to accompany him but the deceased denied to accompany the petitioner and some verbal altercation took place between the petitioner and the deceased. The petitioner was making allegation that he was cheated. Thereafter, the deceased asked the hotel staff to bring an auto rickshaw and the deceased boarded in the auto rickshaw along with her bags. It is further submitted that after some time it was heard that Shrishti was fired at and the driver of the auto rickshaw disclosed that near Mithapur Agriculture firm a person riding on a white colour Bullet motor cycle fired at the deceased and fled away towards Karbigahiya. The informant suspected the name of Rajnish Kumar Singh, the petitioner, and Rahul Kumar Singh. Save and except suspicion, that too very remote, there is no tangible material. There is only one eye witness of the occurrence, that is the auto rickshaw driver. The petitioner is in custody since 03.02.2016 but no test identification parade was done and charge sheet was submitted. The petitioner is suffering from various ailments and till date the prosecution has examined only seven witnesses and the trial has not yet been concluded.

The learned APP opposed the prayer for bail.



Having heard the submission of both sides and on perusal of the records, it appears that the deceased had come to Mani International Hotel along with petitioner and Rahul Kumar Singh and stayed in room No. 106 and 107 of the hotel. The auto rickshaw driver in which the deceased was travelling disclosed that a persons riding on a white colour Bullet motor cycle fired at the lady killing her on the spot. It transpired that just before the occurrence there was some verbal altercation with the deceased and petitioner was riding on a white colour Bullet motor cycle. The episode of verbal altercation was snapped in the CCTV camera. It transpired in the statement of the staff of the hotel that it was the petitioner who had come on a white colour Bullet motor cycle immediately before departure of the deceased, Srishti Jain, and only after some time news flashed that the lady was shot dead. The occurrence took place at a very short distance from the hotel and the auto rickshaw driver disclosed that the assailant was riding on a white colour Bullet motor cycle who shot the lady dead. There was very proximity between the occurrence of firing and the verbal altercation with the petitioner near the hotel.

Taking into consideration the facts aforesaid and the fact that seven witnesses have already been examined and the



trial is its fag end, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within eight months from the date of receipt/ production of a copy of this order.

(Prabhat Kumar Jha, J)

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