

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53978 of 2018

Arising Out of PS. Case No.-23 Year-2018 Thana- RAMKRISHNANAGAR District- Patna

Ravi Kumar, S/o Om Prakash Mahato, Resident of Shiv Nagar, Khamenichak,
P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Opposite Party/s : Mr.Smt. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 18-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 03.04.2018 in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Raghunandan Kumar recorded by S.I., Uma Shankar Singh of Ramkrishna Nagar Police Station in PMCH, Patna in Emergency Ward on 24.01.2018 at 9.00 A.M. is to the effect that on 23.01.2018 near the house of one Suresh Paswan on road, the Saraswati Puja was being celebrated. On 6.00 P.M. the informant was standing near the idol of Maa Saraswati on the road, where nearby people were enjoying the bonfire and the



brother of the informant, Jagnanandan was also there, in the meantime, co-accused Pradeep, Sandeep, Indrajeet, Bittu, Uttam Kumar and the petitioner, Ravi Kumar came armed with country made pistol. When co-accused Pradeep, Sandeep and Indrajeet ordered to kill first Jagnandan and thereafter, co-accused four persons Pradeep, Sandeep, Indrajeet and the petitioner resorted to fire on the brother of the informant indiscriminately, as a result, Jagnandan fell down. The accused persons resorted to fire in the air. Thereafter, the informant brought his brother in a private hospital and from there he was taken to PMCH where he was declared dead.

It is submitted by learned counsel for the petitioner that though there is specific accusation against four persons including the petitioner, who fired on the deceased but the accusation does not get corroborated by the medical opinion as such the postmortem reflects only two injuries which suggests that either the informant is not the eye witness to the occurrence or he has not come with the true version of the occurrence. The statement of the mother of the victim, Uma Devi has been recorded in paragraph 10 of the case diary where she has alleged that firing was made by co-accused Pradeep, Sandeep and Indrajeet, she has not named the petitioner and other non-



assailant co-accused have been granted bail by differences Bench of this Court, i.e., Bittu Kumar vide order dated 17.09.2018 passed in Cr. Misc. No. 46646 of 2018, Uttam Kumar vide order dated 05.07.2018 passed in Cr. Misc. No. 38018 of 2018 and Vicky Kumar vide order dated 13.07.2018 passed in Cr. Misc. No. 40245 of 2018. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that in the FIR there is specific accusation against four persons to have resorted to fire on the victim including the petitioner. However, the postmortem report reflects only two injuries and the mother of the victim, who claims to be eye witness to the occurrence, has not named the petitioner.

Considering the accusation not being corroborated with the medical opinion or by the statement of the eye witnesses, particularly, the mother of the victim and investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of



Rs.10,000/- (Ten thousand) with two sureties of the like amount
each to the satisfaction of learned Additional Chief Judicial
Magistrate, Patna in connection with Ram Krishna Nagar P.S.
Case No. 23 of 2018.

(Dinesh Kumar Singh, J)

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