

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.44063 of 2019

Arising Out of PS. Case No.-60 Year-2018 Thana- KORMA District- Sheikhpura

SUSHIL KUMAR @ SUSHIL SINGH Son of Rama Nandan Resident of
Village - Abgil, P.S.- Korma, Distt - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 24-07-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is a second attempt by the petitioner herein for grant of regular bail in connection with Korma P.S. Case No. 605 of 2018 for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, inasmuch as earlier also the petitioner had moved this Court for grant of regular bail but the prayer for bail of the petitioner was rejected by an order dated 02.04.2019 passed in Criminal Misc. No. 17229 of 2019.

In order to recapitulate the facts of the case, it would be relevant to narrate the allegation made in the written complaint filed before the Officer In-Charge, Korma, Sheikhpura by the informant.

The allegation as per the written complaint filed before the Officer-in-charge, Korma (Sheikhpura) is that on 16.9.2018, at village Chour, the work of boring for laying hand pump was being done in presence of the contractor, father



of the informant, namely, Mahesh Singh and one Niranjana Kumar. At about 10 P.M., six persons came at the said place, out of which three were Raushan Kumar, Mantu Kumar and Sushil Kumar (i.e. the petitioner herein) and they are said to have taken out pistol and kept on the forehead and on the left shoulder of the father of the informant whereupon they said that despite demand being made by them of Rs. 5 lacs, the money has not been sent, to which the father of the informant replied that he is not an outsider, whereafter co-accused Mantu Kumar had exhorted to kill the father of the informant and then both the co-accused persons namely, Raushan Kumar and the petitioner herein had fired on the father of the informant, apart from the co-accused Mantu Kumar also firing upon the informant. Subsequently, the villagers and the family members had come at the place of occurrence and it was found that father of the informant had died on account of gun shot injury.

The learned counsel for the petitioner has submitted that co-accused, namely, Manoj Kumar has been granted bail by a coordinate Bench of this Court by an order dated 20.05.2019 passed in Criminal Misc. No. 15889 of 2019, hence the petitioner should also be granted bail especially since the FIR has been lodged belatedly on 18.09.2018, whereas the incident



has taken place on 16.09.2018.

I have heard the learned counsel for the parties and this Court finds that grant of bail to a co-accused person does not amount to change in the circumstances, as far as the facts of a case are concerned. Moreover, the submission advanced on behalf of the petitioner to the effect that the FIR has been lodged belatedly, has already been considered by this Court earlier while rejecting the prayer of bail of the petitioner vide order dated 02.04.2019.

Having regard to the facts and circumstances of the case and considering the fact that there has been no change in circumstances from the date the prayer of the petitioner for grant of regular bail was rejected earlier, till today, as also considering the fact that the allegation levelled against the petitioner is of a serious nature and the petitioner is alleged to have engaged in murder of father of the informant, I do not find any reason to reconsider my earlier view, hence the present petition is dismissed.

S.Sb/-

(Mohit Kumar Shah, J)

U		T	
---	--	---	--

