

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16433 of 2020**

Arising Out of PS. Case No.-315 Year-2019 Thana- BEUR District- Patna

RISHI KUMAR @ RISHI KUMAR SINGH S/o Late Gopal Singh Resident  
of Village- Hasanpur, P.S.- Sahajahanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                         |
|--------------------------|---|-------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Krishna Prasad Singh, Sr. Advocate<br>Mr. Bhaskar Shankar, Advocate |
| For the Opposite Party/s | : | Mr. Sunil Kumar Pandey, APP                                             |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

5      24-11-2020                      Heard both sides through Video Conferencing.

The petitioner seeks bail in Beur P.S. Case No.315 of 2019 registered under Sections 302, 120B and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant, Dilip Kumar, alleged that his brother, Raushan Kumar went along with Rishi Kumar (the petitioner) with his vehicle bearing No. BR06AW-9730. It is further alleged that Rishi Kumar took her brother in a room situated at Harish Chandra Nagar Agricultural farm house, where Shami Anand and Vijay were present from before. Shami Anand, Bittu and Vijay took his brother on road by said vehicle and he was done to death. The informant further alleged that his brother was doing business with Niraj Singh of Aurangabad. There was some verbal altercation. Niraj Singh gave a cheque of Rs.4 lacs



signed by his father but thereafter Niraj Singh and his friends Shami Anand, Rishi Kumar(the petitioner), Bittu, Vijay and Ashish killed his brother after hatching up a conspiracy.

Mr. Krishna Prasad Singh, the learned senior counsel for the petitioner submits that of course the petitioner accompanied the deceased with his vehicle but during the course of investigation, it has come in para 40, 41 and 77 of the case diary that the petitioner got down from the vehicle and petitioner was not even present in the vehicle. It is further submitted that there is no direct involvement of the petitioner in the alleged crime. So far as the conspiracy part is concerned, the investigating officer has not collected any evidence. It is further submitted that one incriminating material has come against the petitioner is that the purse of the petitioner was found inside the vehicle and the same was smeared with blood. The petitioner is in jail since 25.08.2019. Hence, the petitioner be enlarged on bail.

Learned A.P.P. however opposed the prayer for bail.

Perused the F.I.R. and the case diary. It appears that informant made allegation that it was petitioner who took his brother in his vehicle and the petitioner along with other accused persons killed his brother on account of some business



dispute with regard to payment and non-payment of money. Of course, the witnesses in para 41 of the case diary have stated that the petitioner got down from the vehicle on way but it has come that the purse of the petitioner was found inside the vehicle. There was blood stain on the purse of the petitioner and this fact shows the presence of the petitioner at the place of occurrence when the brother of the informant was shot dead.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within one year from the date of receipt of this order. If the trial is not concluded within one year, the petitioner may renew his prayer for bail.

The S.S.P., Patna is directed to ensure the attendance of the witnesses during the course of trial so that the trial must be concluded within one year.

Let a copy of this order be sent to the S.S.P., Patna and the trial court for information and needful.

**(Prabhat Kumar Jha, J)**

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