

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1069 of 2020**

Arising Out of PS. Case No.-61 Year-2019 Thana- PASRAHA District- Khagaria

RAKESH KUMAR JHA Son of Sri Yadunandan Jha Resident of Village -
Bharatkhand, P.S.- Parbatta, District - Khagaria.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Siya Ram Sahi, Advocate
For the Informant	:	Mr. Arun Kumar Tiwary, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-07-2020 Heard Mr. Siya Ram Sahi, learned counsel for the petitioner, Mr. Sadanand Paswan, learned Special PP for the State and Mr. Arun Kumar Tiwary, learned counsel for the informant.

The appellant in the present case is seeking setting aside of the order dated 20.12.2019 passed by learned Additional Sessions Judge, 1st Khagaria in connection with Pasraha P.S. Case NO. 61 of 2019 G.R. 1456 of 2019 registered for the offences punishable under Sections 394, 302, 34, 120(B) of the Indian Penal Code and Under Section 3(2)(V) SC/ST Act whereby and whereunder the prayer for bail of the appellant has been rejected.

Learned counsel for the appellant submits that although his name has transpired in the First Information Report



along with co-accused Amar but when the co-accused Amar moved this Court for grant of bail in Cri. Appeal (SJ) No. 4000 of 2019 his prayer for bail was rejected with observation and according to those observations the co-accused Amar has been granted liberty to move afresh after nine months if the trial is not concluded, the case of the appellant stands on a better footing.

Learned counsel submits that there is no identification of the appellant in this case and he has remained in custody in connection with this case since 09.09.2019.

Learned Special PP as well as learned counsel for the informant have opposed the prayer for bail of the appellant. It is submitted that in fact this appellant is the mastermind behind the entire occurrence. It is he who had called the deceased with his Scorpio vehicle on the pretext of hiring and in course of investigation the CDR of the mobile no. 9135242594 has been obtained. This is the number held by this appellant from which the call was given to the deceased on his mobile no. 9939071516. It is submitted that the co-accused Amar has confessed the guilt and has stated that he along with this petitioner has committed the murder.

Having regard to the facts and circumstances of the



case and the materials available on the record, from which it is noticed that the name of the appellant has transpired in the First Information Report along with co-accused Amar and in course of investigation it has come that said co-accused Amar has confessed his guilt and at his instance the vehicle and other incriminating materials have been recovered as also that in the investigation the prosecution case has been supported by the witnesses and the post mortem report also support the manner of occurrence as alleged, the materials showing that this appellant had called the deceased on the date of occurrence from his mobile whereafter he was abducted on the pretext of hiring his vehicle and subsequently his vehicle was looted and he was killed, this Court is not inclined to interfere with the impugned order.

This appeal is dismissed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Avin

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

