

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18607 of 2020

Arising Out of PS. Case No.-61 Year-2020 Thana- MADHEPURA District- Madhepura

Prince Kumar, aged about 25 years (male), son of Pradeep Kumar Sah,
resident of village - Gulzarbag, Ward No. 20, P.S.-Madhepura, District -
Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain , Sr. Advocate
For the Opposite Party/s : Mr. Ansul
Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-12-2020 Heard Mr. Rajendra Narain, learned senior counsel for
the petitioner, Mr. Ansul, learned counsel for the informant and
Mr. Khurshid Anwar, learned counsel for the State through
video conferencing.

Petitioner seeks regular bail in connection with
Madhepura P.S. Case No. 61 of 2020 registered under Section
394 of the I.P.C. and Section 27 of the Arms Act.

The allegation as per the First Information Report is
that while the informant along with his brother was returning
back to his home from the shop they were accosted by three
unknown persons and one of the accused persons fired upon
them which hit the brother of the informant - Dhiraj Kumar
and the accused persons thereafter snatched a bag from the



informant containing two keys.

Learned senior counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of confessional statement of the petitioner recorded by the Police. Learned counsel further submits that petitioner is neighbour of the informant and the victim and he has not been identified at the place of occurrence by them. Learned counsel further submits that petitioner is in custody since 30.01.2020.

On the other hand learned counsel for the State as well as informant vehemently opposed the prayer for bail and submit that the petitioner was having illicit relationship with the wife of the victim who received bullet injury in his spinal chord and was seriously injured inasmuch as during the course of investigation the petitioner has given a vivid description of the offence and has stated that the petitioner wanted to marry with the wife of the injured and in furtherance of that intention he hired a killer in order to eliminate the brother of the informant so that the petitioner may marry with his wife. Learned counsel further submits that there is CDR of the mobiles of the petitioner as well as the wife of the victim which shows that they were talking to each other for a very longer period and



further video clips and other photographs are available which will go to show that petitioner was having illicit relation with the wife of the victim due to which he entered into a conspiracy with a contract killer to eliminate the victim from the scene. Learned counsel further submits that after investigation the Police has submitted charge sheet against the petitioner under Section 307 , 379 , 120B of the I.P.C.

Having regard to the submissions made by the parties and taking into consideration the materials available on record , I am not inclined to grant regular bail to the petitioner at this stage.

The same is rejected.

However, the petitioner may renew his prayer for regular bail after six months from today if the trial does not record any progress.

praful/-

(Anil Kumar Sinha, J)

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