

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20154 of 2020

Arising Out of PS. Case No.-511 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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PRABHASH KUMAR Son of Siya Ram Yadav Resident of Village -
Satkodhariya, P.S.- K. Nagar, (Maranga), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mrs.Dr.Indiwar Kumari (APP)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 12-10-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of
Krityanand Nagar (Maranga) P.S. Case No. 511 of 2019
registered for the offence punishable under Sections 324, 307,
385, 302 and 120B/34 of the Indian Penal Code and Section 27
of the Arms Act.

The brother of the deceased is the informant. He has
alleged that nearly two years ago, one Sunil Kumar Yadav had
fired at the informant leading to registration of F.I.R. against
him. He has alleged that said Sunil Yadav with two other
persons, on the alleged date of occurrence i.e. 21.12.2019 came
at his brick kiln. They were pressurizing to withdraw the



criminal case. When the informant objected to it, they left the place and subsequently, they again came with other persons. He has further alleged that this time, they asked the informant's brother to call the informant. The deceased called the informant, telling him that said Sunil Kumar Yadav and others were searching for him. The moment he came out, the informant heard sound of a gunshot. He saw his brother shot at by the miscreants. The deceased was taken to hospital, where he was declared dead. One Badal Poddar, a workman in the brick kiln had also received gunshot injuries, whose treatment is going on.

Learned counsel for the petitioner has argued that there is nothing specific against the petitioner in the F.I.R.

I have carefully gone through the First Information Report and the case diary. It transpires that the petitioner's name surfaced in course of investigation and on thorough interrogation, he confessed before the police, his involvement in commission of the offence. From his confessional statement, it appears that he is a member of an organized gang of criminals led by co-accused Sunil Kumar Yadav. In his confessional statement, he has given the call details and the manner in which, the crime was committed. The petitioner's involvement as member of a gang of criminals has emerged in course of



investigation. Other witnesses examined by the police in course of investigation have also supported the manner of occurrence as alleged in the F.I.R. Close association of the petitioner with Sunil Kumar Yadav has been verified on the basis of Call Detail Record (CDR), as is evident from the case diary. Other co-accused persons named Shankar Mehta and Sunil Kumar Yadav have also confessed before the police, during the course of investigation.

Considering the serious nature of allegation, I am not inclined to grant the petitioner, privilege of regular bail for the present.

The application is accordingly dismissed.

It is indicated that defect, if any, shall be shall be removed within two months.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which



shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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