

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26240 of 2020**

Arising Out of PS. Case No.-308 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

PINTU KESHARI @ RAKESH SHAH Son of Pyare Shah @ Pyare Lal Sah
Resident of Village - Amaon, P.O.- Amaon, P.S.- Chainpur, District - Kaimur
at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary No.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Sanjay Kumar Tiwary No.1, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kudra P.S. Case No.308/2019 registered for the offence under Sections 279 and 304(A) of the Indian Penal Code and later on Sections 302, 201, 392, 411 and 328/34 of the Indian Penal Code were also added.

Learned counsel for the petitioner submits that as per the prosecution story, the chowkidar reported to the Kudra police station that he heard about an accident of an unknown vehicle in which one person has died and his dead body is available on the road. The



informant reached on the spot and informed to the police but the dead body was not identified. Learned counsel submits that the petitioner has been falsely implicated in this case by showing recovery of one purse of the deceased from the house of the petitioner. The allegations are false, concocted and baseless and only due to his criminal antecedent, the petitioner has been implicated in this case. It is further submitted that the petitioner is in custody since 20.11.2019 and the co-accused in this case have been granted bail by a learned coordinate Bench of this Court including one granted by this very Court to co-accused Rajan Keshari in Cr.Misc.No.17824/2020.

Mr. Sanjay Kumar Tiwary No.1, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that if this Court goes through the order dated 24.08.2020 passed in Cr.Misc.No.17824/2020 it would appear that in the said case the material facts have been noticed by the Court. It has come that in course of investigation this petitioner has made confessional statement, earlier the mobile of the deceased Prem Kumar was recovered from one Ramjanam Bind who had disclosed that he had purchased it from this petitioner, in fact on the statement of Ramjanam Bind this petitioner was arrested and from his house some android mobile sets, two carry bags and purse were recovered.

Further the investigation revealed that that the mobile location of this petitioner was near the alleged place of occurrence at the relevant time and he had a talk with the co-accused driver Shyam



Lal Bind. In these circumstances, submission is that there are ample materials against the petitioner and his release particularly considering the kind of his criminal antecedents wherein the petitioner is involved in at least five cases, the trial would be badly affected.

Having regard to the facts and circumstances of the case and the submissions of learned APP for the State and further having noticed that there is not only recovery of articles from the house of this petitioner, mobile of the deceased was also sold by this petitioner to the co-accused Ramjanam Bind and tower location showing active participation of petitioner talking to the co-accused driver Shyam Lal Bind during relevant time and there being criminal antecedent, the petitioner does not deserve privilege of regular bail. The prayer is refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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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'.

