

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21727 of 2020

Arising Out of PS. Case No.-60 Year-2018 Thana- KORMA District- Sheikhpura

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SUSHIL KUMAR @ SUSHIL SINGH Son of Ramnandan Singh Resident of
Village- Abgill Bigha, P.S.- Korma, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Smt. Anita Kumari Singh, the learned APP for the State.

This is a third attempt at the behest of the petitioner for grant of regular bail in connection with Korma P.S. Case No. 60 of 2018 giving rise to S.T. No. 94 of 2019 for the offence punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act, inasmuch as earlier also the petitioner had moved this Court for grant of regular bail on two occasions but the prayer of the petitioner for grant of regular bail has been rejected by this Court vide orders dated



02.04.2019 and 24.07.2019 passed in Cr. Misc. No. 17229 of 2019 and Cr. Misc. No. 44063 of 2019, respectively.

The allegation as per the written complaint filed before the Officer-in-charge, Korma (Sheikhpura) is that on 16.9.2018, at village Chour, the work of boring for laying hand pump was being done in presence of the contractor, father of the informant, namely, Mahesh Singh and one Niranjan Kumar. At about 10 P.M., six persons came at the said place, out of which three were Raushan Kumar, Mantu Kumar and Sushil Kumar (i.e. the petitioner herein) and they are said to have taken out pistol and kept on the forehead and on the left shoulder of the father of the informant whereupon they said that despite demand being made by them for Rs. 5 lacs, the money has not been sent, to which the father of the informant replied that he is not an outsider, whereafter the co-accused person namely Mantu Kumar had exhorted to kill the father of the informant and then both the co-accused persons namely, Raushan Kumar and the petitioner herein had fired on the father of the informant, apart from the co-accused Mantu Kumar having also fired upon the informant. Subsequently, the villagers and the family members had come at the place of occurrence and it was found that father of the informant had died on account of gun shot injury.



The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case as also he is languishing in custody since 02.12.2018. It is further submitted that two witnesses have been examined on behalf of the prosecution and there are contradictions in their evidence and moreover the evidence of the doctor is contrary to the evidence to the witnesses. Thus, it is submitted that there is a remote chance of conviction of the petitioner herein by the learned trial court, hence, he be granted the privilege of regular bail.

The learned Additional Public Prosecution has vehemently opposed the prayer for bail.

I have heard the learned counsel for the petitioner and gone through the materials on record. This Court finds that the case of the petitioner has been considered at length, by taking into account the materials on record, on earlier two occasions and thereafter, the prayer of the petitioner for grant of bail was rejected twice, hence, I do not find any reason to reconsider my earlier view, considering the fact that the allegation levelled against the petitioner is of a serious nature and the petitioner is alleged to have engaged in murder of the father of the informant. Moreover, since the trial is in an



advance stage, it is necessary to secure attendance of the petitioner herein so that unnecessary delay is not caused. Thus, I do not find any merit in the present petition, hence the same is dismissed.

(Mohit Kumar Shah, J)

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