

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27255 of 2020**

Arising Out of PS. Case No.-61 Year-2020 Thana- GAUTAMBUDHNAGAR District- Siwan

RAHUL SRIVASTAVA S/o Lalan Srivastava @ Lalan Prasad Resident of
Village-Chorma, P.S-Bhagwanpur, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Sanjay Kumar Singh, Advocate

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

4 21-12-2020 Heard learned counsel for the petitioner, Mr. Bharat Bhushan, learned APP for the State and Mr. Sanjay Kumar Singh, learned counsel for the informant.

The petitioner in the present case is seeking regular bail in connection with G. B. Nagar P.S. Case No. 61 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the allegation in the FIR is that this petitioner along with co-accused Anand Singh and Gulfan as also Subhash Prasad had reached the place of occurrence and had indulged in indiscriminate firing then in the said firing the son of the informant got injured and later on succumbed to his injuries and that the occurrence took place when they wanted to forcibly take away the daughter of the informant and



she was being forced to marry said Anand Singh.

Learned counsel submits that the daughter of the informant has not supported this allegation and in her statement under Section 164 Cr.P.C. she has stated that she had married Anand Singh in the year 2017 and she was living with him. She has then stated that she heard about the murder of her brother in which her husband Anand Singh has been falsely implicated.

Learned counsel has submitted that the prosecution case is thus not supported by the witnesses, particularly the daughter of the informant, the petitioner is in jail since 11.03.2020 and has no criminal antecedent. Learned counsel for the petitioner has also relied upon the statement of one of the sisters of the deceased who has stated that it was Anand Singh whose firing had hit the deceased.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner. It is submitted that the injured witness Praveen Kumar has supported the prosecution case and in his statement he has made specific allegation that this petitioner along with other named co-accused had opened firing and there was an attempt to take away the daughter of the informant. Apart from the statement of the injured witness, learned APP for the State has also brought to the notice of this Court that the post mortem report of the deceased Raja Kumar shows three firearm injuries and the three injuries are clearly indicating that all the named accused had fired indiscriminately.



Having regard to the facts and circumstances of the case wherein this Court has noticed from the statement of injured witness and the post mortem report that as many as three injuries have been caused on the body of the deceased Raja Kumar and there is specific allegation that this petitioner was also firing, this Court is not inclined to grant regular bail to the petitioner at this stage. Prayer for regular bail is refused.

Let the trial be expedited. Learned trial court is expected to conclude the trial within nine months from today. If the trial is not concluded within nine months for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(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'.

