

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27554 of 2020

Arising Out of PS. Case No.-442 Year-2019 Thana- KOTWALI District- Munger

RAJESH KUMAR S/o Late Ramchandra Ram, Residence of Village-
Shadipur Kalimandir, P.S.- Kotwali, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Prosecution case in brief is that on 30.10.2019 at
about 6.00 pm, the deceased Pawan Kumar came out of his
house for going to Shadipur. At about 9.15 pm, the informant
got information that his brother has been shot. He along with his
brother Vikash Kumar and other relatives went to Shadipur Bari
Durga Asthan and found his brother lying dead in a drain near
the house of Ward Parishad of Shadipur. His body was in pool
of blood having bullet injuries in his chest, abdomen, foot etc.
The motive behind the occurrence is that on 27.10.2019 a



scuffle took place between the deceased and the accused persons including the petitioner and they threatened to kill him.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to enmity. There is no eye witness to this occurrence and nothing has been recovered from the possession of the petitioner. He further submits that the I.O. has not recorded the statement of boundary holders of P.O. as witness while the place of occurrence is densely populated. The petitioner is in jail custody since 15.11.2019. The petitioner has no antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail petition and submits that on the basis of confessional statement of co-accused Shantanu @ Shantan @Sanjay Kumar Pankaj who also stated that the petitioner took active part in the alleged offence of murder. Arms and ammunition including four empty cartridges were also recovered. The offence committed by the petitioner is serious in nature.

Perused the records including the case diary, on the basis of confessional statement of co-accused arms and ammunition were recovered from the another co-accused.

Considering the aforesaid facts and circumstances of



the case, I am not inclined to enlarge the petitioner on bail at present. Accordingly, the prayer for bail of the petitioner is rejected in connection with Kotwali P.S. Case No. 442/2019 pending in the Court of learned Chief Judicial Magistrate, Munger.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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