

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26329 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

CHANDAN KUMAR S/o Om Prakash Yadav Resident of Village-
Belwarganj, near Anand Mall, P.S-Alamganj, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sandip Shahi, Advocate Mr. Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-12-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Arun Kumar, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Ram Krishna Nagar PS Case No. 41 of 2020 registered under Section 302 of the IPC, 27 of the Arms Act and Section 30(a) of Bihar Prohibition and Excise Act, 2016.



The informant has received information regarding an accident on the Gaya – Masaurhi road. On reaching the place, he has found his elder brother Ajit Kumar dead along with 20 Liters country made liquor.

Submission of the learned Counsel for the petitioner is that merely on suspicion the petitioner has been implicated in course of investigation by one Pinki Devi. The story of Pinki Devi does not inspire any confidence inasmuch as she has referred to be mobile phone number from which she has received information from the petitioner regarding involvement of the petitioner in the killing though the phone does not belong to the petitioner and the said Pinki Devi herself is stated to be dealing in illicit liquor. In spite of information having been received she has not informed the family members and as such none has been named in the FIR.

Learned APP referring to the case diary submits that the statement of Pinki Devi clearly implicates the petitioner. The allegation is based on evidence collected during the course of investigation. The petitioner bears criminal antecedents and he has earlier also been implicated in the murder case. There is subsisting rivalry and threats meted out to the deceased by the petitioner as they were competing in the trade of illicit liquor.

The circumstances as per statement of learned APP are overwhelming that the petitioner has committed serious crime.

Considering the rival submissions, this Court for the present is not inclined to allow the prayer for bail.

This application is rejected.

(Madhuresh Prasad, J)

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