

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25477 of 2020**

Arising Out of PS. Case No.-243 Year-2019 Thana- VISHNUPAD District- Gaya

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BAMBAM RAWANI Son of Tulsi Rawani Resident of Mohalla- Madanpur,
P.S.- Vishunpad, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Thakur, Adv. Mr. Pravin Kumar, Adv.
For the Opposite Party/s :		Mr.Akhileshwar Dayal,APP
For the Informant	:	Mr. Shiv Shankar Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-10-2020 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State as also Mr. Shiv Shankar Sharma learned counsel for the informant.

The petitioner in the present case is seeking regular bail in connection with Vishnupad P.S. Case No.243/2019 registered for the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that from perusal of the FIR it would appear that so far as the present petitioner is concerned, allegation against him is that he along with co-accused Dharmendra Ravidas had called the brother of the informant and took him towards temple on the pretext of there being a panchayati. The brother of the informant went along with them, the informed reached



from behind and found that co-accused Dharmendra Ravidas had caught hold of right hand, this petitioner had caught hold of the left hand and one Mannu Yadav @ Boss who happened to be the Bhagina of co-accused Sanjay Yadav had caught hold of the waist and Mukhi Yadav @ Shyam had caught the leg of the brother of the informant and some quarrel was taking place among them, in the meantime, Sanjay Yadav @ Chonga came lashed with rifle from his house and shot at the brother of the informant. The brother of the informant fell down. All of them ran towards the informant to catch him but the informant fled away, on Hulla on after hearing the sound of firing the neighbours and other family members assembled there whereupon the accused persons fled away.

Learned counsel submits that the postmortem report of the deceased shows only one fire-arm injury and no other part of the body suggests any injury to the victim. It is then submitted that in course of investigation some of the family members of the informant have come forward to say that they had also seen the alleged occurrence in which this petitioner had actively participated but those are only an afterthought and have been purposely made to falsely implicate this petitioner.

Learned counsel for the informant and learned APP for the State have jointly opposed the prayer for regular bail of the petitioner as according to him the case diary contains statement of several witnesses who have stated that they had seen the alleged occurrence



as it was morning hour and they had seen the occurrence from the roof of their house. It is submitted that considering the gravity of the offence alleged and active participation of the petitioner in the alleged occurrence, the petitioner does not deserve privilege of regular bail because his release at this stage is likely to interfere with the course of trial.

Having regard to the facts and circumstances of the case and the materials on the record, this Court is not inclined to grant privilege of regular bail to the petitioner at this stage. The prayer for regular bail is, thus, refused.

Let the trial be expedited.

This Court has been informed that the case is pending for commitment, if it is so, let further steps be taken by the learned court below towards commitment of the records and then the learned trial court shall proceed with the matter without granting unnecessary adjournments.

This application is presently dismissed.

(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'.

