

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40131 of 2019

Arising Out of PS. Case No.-658 Year-2018 Thana- KHAJANCHI HAT District- Purnia

SURAJ KUMAR BISHWAS Son of Binod Bishwas R/O Near Law College,
Bidyapatinagar, P.S.- Khajanchi Hat, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 14-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the
State.

The petitioner is languishing in custody since
27.10.2018 in a case registered for the offences punishable
under Sections 302 and 224/34, 120B of the IPC and Section 27
of the Arms Act.

The prosecution case, as per the written report of
In-Charge Superintendent, Observation Home, Purnea,
submitted to the S.H.O., K. Hat Police Station is to the effect
that the regular Superintendent of Observation Home was on
leave and the informant was made the In-Charge Superintendent
of the Observation Home, Purnea. On 19.09.2018, the informant



was informed telephonically that the juveniles of the observation home, in conflict with the law, namely, Juvenile Ritesh Kumar, Juvenile Karm Kumar @ Raju and Juvenile Vikash Kumar fired on the guard of the observation home, namely Vijendra Kumar and Saroj Kumar, juvenile in conflict with the law. Subsequently, they were taken to hospital where both injured were declared dead. The name of the petitioner surfaced on the confession of Subham Kushwaha, the juvenile in conflict with the law, who along with the others resorted fire, to the effect that the petitioner supplied the arms. Subsequently, the alleged arms was also recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that admittedly, the petitioner did not resort to fire. The only allegation against him is that he supplied the arms. There is no recovery from the possession of the petitioner and only on the basis of confession of juveniles in conflict with the law, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, other co-accused persons have been granted bail by different Co-ordinate benches of this Court, like Amar Kumar Jha, vide order dated 18.02.2019



passed in Cr. Misc. No. 9255 of 2019.

Learned counsel for the State submits that the name of the petitioner surfaced on the confession of the juvenile in conflict with the law as the person who supplied the arms and subsequently, the alleged arms was recovered from the possession of the petitioner.

Considering the fact that statement of co-accused, particularly the juvenile Shubham Kushwaha reflects that the petitioner played an active role in commission of offence, moreover, weapon used for commission of offence has been recovered from the possession of the petitioner, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, in S. T. No.20 of 2019, arising out of K. Hat. P.S. Case No. 658 of 2018, pending before the learned 6th ADJ, Purnea is rejected.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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