

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14490 of 2021**

Arising Out of PS. Case No.-204 Year-2020 Thana- NARDIGANJ District- Nawada

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GOLU KUMAR Son of Upendra Singh Resident of Fazilpur, Police Station-
Nardiganj, District- Nawada.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr.Raj Krishan Jha, Advocate
For the Informant	:	Mr.Sandip Kumar, Sr. Advocate Mr. Alok Kumar Shahi, Advocate
For the State	:	Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-08-2021 Heard Mr. N.K. Agrawal, learned Senior Counsel for

the petitioner assisted by Mr. Raj Krishan Jha, Learned
Advocate, Mr. Sandip Kumar, learned Senior Counsel for the
informant assisted by Mr. Alok Kumar Shahi, learned Advocate
and Mr. Prem Kumar Jha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Nardiganj P.S. Case No. 204/2020 registered
for the offence under Section 341, 323, 324, 307, 379, 448, 427,
385, 504, 506/34 of the Indian Penal Code and 27 of the Arms
Act. He is in custody since 10.09.2020.

As per the prosecution story, this petitioner and the
co-accused came to the showroom of the informant on
07.09.2020 at about 6:30 P.M. and demanded a Rangdari of Rs.

50,000/-. The informant raised protest against this whereupon he was abused and the accused persons threatened him and went away. After two hours they again came with some other boys and abused the informant. The informant came outside on hearing the abuse and found that the accused persons were damaging the boards of the showroom. It is alleged that when the informant protested against that then they started throwing bricks and stones on the informant and fired from their pistol whereupon the informant fled away and informed to the police station. When the police came there then the accused persons came to know that and once again they came on 08.09.2020 at 5:30 P.M. It is alleged that they attacked on the showroom, made firing from their pistol, entered inside the showroom and damaged the glasses of the showroom, laptops, printers, fans etc. There is a specific allegation that this petitioner was firing from his pistol and during this period while the wife of the informant was coming down stairs, she suffered first fire-arm injury on her right thigh whereas the second firing went on the right side ankle of her leg as a result whereof she became seriously injured. The accused persons also damaged the generators and vehicles which were kept in the showroom and took away Rs. 1.50 lacs from the showroom.

Learned Senior Counsel for the petitioner submits that the place of occurrence has been recorded by the Investigating officer who has not found any damage in the showroom and the entire statement of the informant does not tally with the place of occurrence.

It is further submitted that the alleged occurrence took place on 08.09.2020 at 5:30 P.M. and within two hours police reached there and coagulated blood was found meaning thereby that the alleged occurrence took place much earlier.

Learned Senior Counsel further submits that the petitioner's friend had purchased a Scooty from the showroom of the informant and on demand of the servicing charge during the guarantee period the scuffle had taken place.

Mr. Sandip Kumar, learned Senior Counsel for the informant as well as Mr. Prem Kumar Jha, learned A.P.P. for the State have jointly opposed the prayer for bail of the petitioner. It is submitted that the petitioner has got eight criminal antecedents, in paragraph '3' though he has stated three criminal antecedents but later on by filing a supplementary affidavit other cases have been mentioned.

It is their submission that this petitioner is a habitual offender which may be found from the kind of cases registered

against him. It is he who is indulged in demanding Rangdari and for non-payment thereof the first occurrence was committed two days back and then on 08.09.2020 the present occurrence has been committed in which firings were made to create terror on the spot and in the said firing the wife of the informant suffered injuries.

It is their submission that considering the kind of criminal antecedents and repeated indulgence of the petitioner in the cases of demanding Rangdari of such nature, his release at this stage is likely to result in threatening of the witnesses and the same will not allow the trial to conclude freely and without any threat to the witnesses.

Considering the facts and circumstances of the case, the manner of occurrence in the present case and the kind of allegations which have been made against the petitioner of indulging in demand of Rangdari and then on non-fulfillment thereof entering into the showroom and damaging the assets of the showroom, firing there are getting support from the materials in the case diary. The place of occurrence has been visited by the I.O. who has noticed the damages and even one empty cartridge has been seized from the place of occurrence. The blood stains have been found and these are the reasons

which go against the petitioner. In the nature of the criminal antecedents and the discussions hereinabove, this Court is not inclined to release the petitioner on bail at this stage.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited. The trial court must proceed with the trial by framing the charge if it has not been framed till now and all endeavours be made to conclude the trial within a period of nine months from the date of communication of this order.

The prosecution must cooperate in early conclusion of trial. If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.