

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1590 of 2021**

Arising Out of PS. Case No.-133 Year-2020 Thana- JANKINAGAR District- Purnia

SANTOSH KUMAR JHA S/O LACHHO JHA @ LAXMESHVAR JHA R/O
VILLAGE-ASHOK NAGAR, P.S-JANKINAGAR, DISTRICT-PURNEA.

... .. Appellant

Versus

1. THE STATE OF BIHAR BIHAR
2. PARO DEVI W/O LATE SUBODH RISHIDEV R/O THAKUR PATTI,
WARD NO.04, P.S-JANKINAGAR, DISTRICT-PURNEA.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. N. K. Agarwal, Sr. Advocate
	:	Mr. Saket Tiwary, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-07-2021 Heard learned counsel for the appellant Mr. N. K. Agarwal, Sr. Advocate assisted by Mr. Saket Tiwary, learned Advocate for the appellant and Mr. Sadanand Paswan, learned Spl. P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 06.01.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Purnea in connection with Jankinagar P.S. Case No. 133 of 2020 (CIS No. 116 of 2020) registered for the offences under Sections 452/147/148/149/341/323/324/325/302/307/504/506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of the Schedules Caste/Scheduled Tribe (Prevention of



Atrocities) Act, 1989 whereby and whereunder his prayer for regular bail was rejected.

As per the prosecution story this appellant alongwith the other co-accused firstly entered in the house of the informant and forcibly took away her husband Subodh Rishidev. Altogether ten named and five-seven unknown persons were allegedly involved in this act. The informant claims that she identified them in the bulb light. It is alleged that they took away her husband in the middle of the road near the culvert and then she found that the co-accused Bishwambhar Jha and his three sons fired upon her husband by a gun as a result whereof her husband died. It is further alleged that thereafter the three sons of Bishwambhar Jha and others entered in the house of her neighbour Reena Devi and pulled out her husband and this appellant and his brother fired upon Anmol Rishidev who also died as a result of the fire arm injury.

Learned senior counsel for the appellant submits that as regards killing of Subodh Rishidev the informant claims that Bishwambhar Jha and his three sons had fired upon him. This appellant is not the son of Bishwambhar Jha. The three sons of Bishwambhar Jha are accused no. 2, 3 and 4.

As regards the killing of Anmol Rishidev, learned



senior counsel submits that the informant of this case cannot be an eye-witness to to said occurrence and in this regard her claim that Santosh Jha and his brother fired is not reliable. It is submitted that the wife of Anmol Rishidev has not made any specific allegation against this appellant.

On the other hand, learned Spl. P.P. for the State has opposed the prayer for bail of the appellant. It is submitted that this appellant has been specifically named in the First Information Report and the informant alleges that appellant and his brother fired upon the deceased. Learned Spl. PP further submits that in the post-mortem report four firearm injuries have been found on the body of Subodh Rishidev and one firearm injury has been found on the chest of Anmol Rishidev. It is his submission that though only one fire-arm injury has been found on the body of Anmol Rishidev, in the kind of the occurrence in which two persons were shot dead by the accused persons and the participation of this appellant has been alleged by all the witnesses including three women witnesses who have made 164 Cr.P.C. statement, the appellant does not deserve privilege of bail.

Having heard learned senior counsel for the appellant and learned Spl. PP for the State as also upon perusal of the



records, this Court has noticed that the appellant is said to be one of the persons who had allegedly participated in the occurrence, he is not son of Bishwambhar Jha but as regards the firing upon Anmol Rishidev, his name has transpired in the statement of the informant together with his brother, though only one fire-arm injury has been found on the chest of Anmol Rishidev, in the nature of the present occurrence where two persons have been killed, this Court is not inclined to interfere with the impugned order. The prayer for bail is thus refused.

Let the trial be expedited. The trial court shall proceed with the trial as early as possible and all endeavours be made to conclude the trial within a reasonable period after start of normal functioning of the court. If the trial is not concluded within a period of one year after the start of normal functioning of the court for no reason attributable to the appellant, he may renew his prayer for bail.

(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'.

