

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28596 of 2020

Arising Out of PS. Case No.-310 Year-2018 Thana- JANDAHA District- Vaishali

Md. Ajaj @ Md. Illiyash (Male) aged about 25 years Son of Md. Indris Miya,
R/O Village- Chand Savai, P.S.- Jandaha District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 01-03-2021 Heard Mr. Nawal Kishore Singh, learned counsel for
the petitioner and Mrs. Pushpa Sinha, learned counsel appearing
for the State.

Petitioner seeks regular bail in connection with
Jandaha P.S. Case No. 310 of 2018 registered for the offence
punishable under Sections 147, 148, 149, 302, 307, 326, 384 of
the IPC, Section 27 of the Arms Act, Section 3 of the Explosives
Substances Act and Sections 13 / 16 / 19 / 20 of the Unlawful
Activities Prevention Act, 1967.

The allegation as per the First Information Report is
that the petitioner along with other accused persons dragged the
informant's brother namely, Rishikesh Jha out of his house and
shot 05 bullets in his chest and head causing his death. It has
further been alleged that Rishikesh Jha had installed water R.O.
plant and "Patta Udyog" in the village 02 years back and the
accused persons were demanding extortion money. It has also
been alleged that the miscreants while fleeing away also raised



slogan “Rishikesh Murdabad, Maowadi Zindabad”.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he is not named in the F.I.R. Learned counsel next submits that the name of petitioner has transpired in this case on the basis of confessional statement of Ritu Devi, who has been granted bail by this court in Cr. Misc. No. 43046 of 2019. Learned counsel next submits other similarly situated accused persons have been granted bail by this Court.

On the other hand, learned counsel for the State referring to the impugned order submits that similar argument was advanced before the learned court below on behalf of the petitioner and the learned court below after taking into consideration the case diary and other materials on record has come to the conclusion that the confessional statement of Ritu Devi discloses the role of the accused-petitioner to be that of opening firing upon the deceased and the post-mortem report of the deceased- Rishikesh Jha also reveals fire arm injuries over his left chest, upper neck, below left eye, left lower abdomen and left upper back, which were the cause of death. Learned court below further came to *prima facie* finding that the alleged role of the accused-petitioner is that of one of the main assailant



and accordingly it came to the conclusion that the petitioner's alleged role is different from those of the accused persons who have been allowed bail by this Hon'ble Court. Learned counsel further submits that this court may not hold mini trial by considering the admissibility of evidence at this stage.

After having heard learned counsel for the parties and taking into consideration the materials available on record and the reasons mentioned in the impugned order by the court below, I find no reason to differ with the *prima facie* findings of the learned court below.

Accordingly, the present petition stands rejected.

(Anil Kumar Sinha, J)

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