

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31816 of 2020**

Arising Out of PS Case No.-61 Year-2020 Thana- BEGUSARAI MUFASSIL District-
Begusarai

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Raju Kumar Singh, Male, aged about 28 years, Son of Late Ashok Singh,
Resident of Village-Bishanpur Chaturbhuji, PS-Mufassil, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 08-03-2021

Heard Mr. Kishore Kumar Thakur, learned counsel for
the petitioner and Mr. Jharkhandi Upadhyay, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

2. The petitioner is in custody in connection with
Begusarai Sadar Mufassil PS Case No. 61 of 2020 dated
06.02.2020, instituted under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act, 1959.



3. The allegation against the petitioner, though not named in the FIR, and others, is of firing on the nephew of the informant resulting in his death.

4. Learned counsel for the petitioner submitted that the FIR is against unknown persons. It was submitted that only on the statement of witness Shivam Kumar that he had heard the name of the petitioner as one of the assailants, the confessional statement of other co-accused implicating the petitioner and also an extracted confessional statement of the petitioner, he has been implicated. It was submitted that the deceased was also carrying criminal antecedent and even the petitioner has criminal antecedent. Learned counsel submitted that the petitioner is in custody since 27.02.2020.

5. Learned APP, from the case diary, submitted that the co-accused has specifically confessed about their role including the petitioner and he is also said to have been one of the persons who fired on the deceased and the postmortem report reveals five gunshot injuries. Learned counsel submitted that the confessional statement by the petitioner has resulted in recovery of the pistol used in the crime.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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