

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36719 of 2020

Arising Out of PS. Case No.-454 Year-2012 Thana- BIHTA District- Patna

ANUJ KUMAR Son of Late Abhimanyu Prasad Singh Resident of village-
Maulla, Police Station- Maner, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prem Kumar Jha
		Mr. Arvind Kumar Mouar
For the Opposite Party/s :		Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-03-2021 Heard both sides.

The petitioner seeks bail in Bihta P.S. case No. 454/2012 registered u/s 341, 323, 326, 307, 504, 379 of the IPC and u/s 27 of the Arms Act. Later on Section 302/34 of the IPC was added.

Mr. Prem Kumar Jha, the learned counsel for the petitioner, submits that prayer of petitioner for anticipatory bail was earlier rejected vide order dated 07.09.2016 passed in Cr. Misc. No. 18421/ 2016. Thereafter, the petitioner surrendered in the court below and his prayer for regular bail was rejected vide order dated 02.11.2018 passed in Cr. Misc. No. 58745/2018. Mr. Jha further submits that on the basis of fard bayan of the deceased the present case was registered. The deceased



disclosed that while he was returning to his house on his cycle and when reached near Doghara More, Ram Babu Singh, Yogendra Singh, Bijendra Singh, Bigan Singh, Ajab Lal, Nitesh Kumar, Arvind Kumar, Sanjay Kumar and 3-4 unknown persons were hiding in a bush. After seeing the informant they stopped the cycle of the informant and they abused and assaulted the informant. Rakesh Kumar took out golden chain from his neck. Nitesh Kumar took out Rs. 5000/- from his pocket and on the order of Ram Babu, Yogendra Singh and Bijendra Singh, Anuj Kumar took out pistol from his waist and fired which hit in the chest of the informant. The informant fell down on the ground and became unconscious. The informant was brought to hospital for treatment. The informant made his statement in hospital on the basis of which the present FIR was registered. It is further submitted that informant himself disclosed in FIR that later on he came to know that one person was also injured and the name of injured was Mushtaque Ahmad. The statement of Mushtaque Ahmad was recorded after some time. He disclosed that he was treated in a private hospital and he did not have any prescription. It is further submitted that Mushtaque Ahmad further disclosed that he did not identify any of the accused persons. Some of the accused made firing in which he also



sustained fire arm injuries. It is submitted that during the course of investigation, the supervisory authority found the case and accusation against the petitioner and others false. The FSL report of the projectiles collected from the place of occurrence further shows that one person fired from his fire arm and all these facts show that murder was caused by the unknown robbers. In paragraph 22 of supplementary case diary the I.O. also reported this fact but charge sheet was submitted and the court took cognizance against the petitioner. It is further submitted that from perusal of entire case diary, it would appear that petitioner, who is a Professor, has falsely been implicated in the case on account of land dispute but the Hon'ble Court while rejecting the prayer for bail of the petitioner held that it was the petitioner who fired causing the death of informant.

The learned APP opposed the prayer for bail.

Perused the records.

From perusal of the FIR itself, it appears that informant vividly described the incident and disclosed the name of the accused persons. The informant further disclosed that it was the petitioner who fired from his pistol causing injury in his chest and thereafter he became unconscious. The informant further disclosed in the hospital that he came to know that one



another person was also injured in the firing. From perusal of the case diary, it appears that I.O. took the statement of Md. Abbas who disclosed that Mushtaque Ahmad was also injured. On 22.12.2012 the I.O. took the further statement of the informant in paragraph 15 of the case diary. The informant reiterated the facts. The informant further recorded statement of Mishri Prasad Singh, Shailesh Kumar but in the meantime the informant died. Thereafter, the informant took the statement of Niranjana Kumar and others and turned the investigation towards another direction. Thereafter, the supervisory authority on the basis of which also supervised the case but the fact remains that the informant, who is an eye witness, has vividly disclosed that it was the petitioner who fired causing injury in his chest and subsequently he died.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within one year from the date of receipt of this order.

The Superintendent of Police, West, Patna is directed to ensure the attendance of prosecution witnesses in the trial



court so that the trial must be concluded within one year.

Let a copy of this order be sent to the trial court and the Superintendent of Police, Patna, West for information and needful.

If the trial is not concluded within one year, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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