

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37607 of 2020

Arising Out of PS Case No.-27 Year-2020 Thana- GOH District- Aurangabad

=====

Gorakh Ravidas @ Gorakh Ram @ Gora @ Gorakha Ram, Male, aged about 73 years, Son of Late Ramotar Das, Resident of Village - Dindir, PS - Haspura, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the State : Mr. Shyameshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-03-2021

Heard Mr. Ashok Kumar Singh, learned counsel for the petitioner and Mr. Shyameshwar Dayal, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Goh PS Case No. 27 of 2020 dated 17.02.2020, instituted under Sections 147, 148, 149, 323, 379 and 302 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The petitioner is accused of being party in the assault and death of the brother of the informant.

4. Learned counsel for the petitioner submitted that he is a 73 years old man and even in the FIR, the allegation is that the miscreants who had covered their face were aged between 20-50



years. Learned counsel submitted that the petitioner who has not been named in the FIR has been made accused only on the confessional statement of co-accused and thereafter the police has shown that the petitioner has confessed but the same are before the police and have no evidentiary value in law. Learned counsel submitted that there is no recovery from the petitioner and even as per the confessional statement of all the accused, the shot was fired by another person and not the petitioner and at best, he was a member of the mob having stick in his hand. Learned counsel submitted that there has also been no Test Identification Parade to ascertain the identity of the petitioner. It was further submitted that the petitioner is in custody since 26.05.2020.

5. Learned APP, from the case diary, submitted that the petitioner is a senior member of an extremist organization and further that the incident occurred as the informant along with others, who were labourers at the site of bridge construction, were working and the petitioner and his other gang members had come demanding extortion money due to which altercation took place and one person also died.

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.
8. However, the Court below shall expedite the trial.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

