

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37688 of 2020

Arising Out of PS. Case No.-430 Year-2020 Thana- NAUBATPUR District- Patna

Vishnu Kumar, S/o Bulloo Kumar @ Bulloo Mahto R/o Village- Chhoti Tengraila, P.S- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prashant Kumar, Advocate
For the State	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Pawan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-03-2021 Heard Mr. Prashant Kumar, learned counsel appearing for the petitioner, Mr. Anil Kumar, learned APP for the State and Mr. Pawan Kumar Singh, learned counsel for the informant.

The petitioner seeks bail in Naubatpur P.S. Case No.430 of 2020 registered under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that on 20.08.2020 her son Ritesh Kumar went to bring LPG cylinder from Durga Sthan. Immediately, thereafter, Sujit Kumar came to her door and enquired about her son. The informant informed the accused that her son had gone to bring LPG gas cylinder, after hearing such reply he left the house in anger. The informant followed him and found that Mantu Verma, Ajay Verma, Vishnu Kumar



(petitioner) and Rahul Kumar were waiting for Ritesh Kumar and two motorcycles were also parked there. Thereafter, the informant followed them near the house of Vinod Pandit. Then informant saw that all the accused persons started assaulting Ritesh Kumar, her son. The elder daughter-in-law of the informant also came there. Sujit Kumar with country made pistol made repeated firing on Ritesh Kumar. It is further alleged that this petitioner had also sustained injury on his leg in the same occurrence. It is further alleged that the occurrence took place only because the deceased had affairs with the sister of Sujit Kumar.

The learned counsel for the petitioner submits that the petitioner and four others are said to have assaulted the deceased with fists and slaps and also dragged him but no apparent injury is found on the person of the deceased. It was Sujit Kumar who fired upon Ritesh Kumar who died on spot. The petitioner is also a victim of the circumstance. The petitioner also sustained fire arm injury and he was under treatment in PMCH.

The petitioner is in custody since 29.08.2020 and therefore, the petitioner deserves bail but the learned APP as well as learned counsel for the informant vehemently opposed the prayer for bail and submits that the petitioner and four others



including Sujit Kumar having conspired with each other came on two motorcycles along with Sujit Kumar. They were waiting for Sujit Kumar near the motorcycle and Sujit came went in search of Ritesh Kumar, son of the informant, and when Ritesh Kumar came across, the petitioner and four others firstly assaulted him with fists and slaps and thereafter, Sujit Kumar is said to have fired causing injury to Ritesh Kumar who died on the spot. The petitioner also received injury and he was firstly treated at private hospital.

Taking into consideration the facts and circumstances, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected. The trial court is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order. The Senior Superintendent of Police, Patna, is directed to ensure the presence of the witnesses in the court so that the trial must be concluded within six months. If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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