

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39149 of 2020**

Arising Out of PS. Case No.-137 Year-2020 Thana- KONCH District- Gaya

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RAJ KUMAR VERMA @ RAJ KUMAR MAHTO @ VERMA Son of
Rambilash Mahto Resident of Village - Sinduari, P.S.- Konch, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pratik Mishra, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP
For the Informant : Mr.Shashank Shekhar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 26-07-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Konch P.S. Case No.137 of 2020 registered for
the offences punishable under Sections 147, 148, 149, 341, 307,
326, 302, 504 and 506 of the Indian Penal Code and Sections 27
and 35 of the Arms Act. He is in custody since 08.05.2020.

As per the prosecution story, the informant lodged a
written report before the officer incharge of Konch police
station alleging therein that on 06.05.2010 at about 12.00 pm he
was sitting in his shop. At the same time, his co-villagers Uday
Sharma Kaushik, Girjesh Sharma Kaushik, Srinath Kumar and
Birendra Kumar were also present at the shop. In the meantime,

his co-villagers Rakesh Yadav, Vimallesh Yadav, Anil Yadav, Ram Balak Yadav, Raj Kumar and Sanjeev Kumar having lashed with rifle came there and started abusing and one Rakesh Yadav had ordered to kill them, upon which all persons started firing from their rifles. It is further alleged that due to alleged firing two persons namely Uday Sharma Kaushik and Girjesh Sharma Kaushik died.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case because of the prior enmity.

On earlier occasion, this Court had called for the case diary, however, when it was noticed that with the case diary the injury report was not available, the I.O. of this case was directed to appear with the injury report. Later on when the injury report was not made available, this Court directed the Superintendent of Police, Gaya to make available the same. In this regard the detailed order dated 07.07.2021 may be seen.

It is one of the contentions of learned counsel for the petitioner that the allegation against the petitioner is that of giving fire arm shot on the stomach of injured Srinath, but there is no injury on that part of the body. So far as the killing of two persons in the alleged occurrence is concerned, the specific

allegation of firing upon the deceased is against Vimlesh Yadav and Rakesh Yadav who had fired upon Uday Sharma Kaushik and Girjesh Sharma Kaushik respectively.

Learned counsel further submits that this petitioner has got one criminal antecedent, however, he is on bail in the said case.

On the other hand, learned counsel for the informant and learned APP for the State have opposed the prayer for regular bail of the petitioner. It is submitted that the seriousness of the offence alleged may be seen from the fact that altogether six named accused persons had surrounded the prosecution party and fired upon them wherein two persons were killed on the spot whereas third person Srinath Singh received injury on his stomach.

Learned APP submits that now the injury report has been made available and it shows grievous injuries found on the upper abdominal part of the injured Srinath Singh. The injury report of MOPHC, Konch shows blackening of skin as well which suggests that fire-arm injury was caused from a close distance.

Considering the facts and circumstances of the case, the seriousness of the allegations wherein two persons have

been killed and one person has received serious injury on his stomach due to firing allegedly done by this petitioner, the nature of the materials on the record are such that this Court is not inclined to release the petitioner on bail. The prayer for bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.