

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3562 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- PATNA CITY CHOWK District- Patna

SHIV SHANKAR KUMAR @ REYANCE Son of Surendra Prasad Resident
of Village - Simali Sakha Chutkiya, P.S.- Malsalami, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar,Advocate

For the Opposite Party/s : Mr.Pushpa Sinha-1,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 24-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Pushpa Sinha-1, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Chowk P.S. Case No. 118 of 2020 registered for the offences punishable under Sections 302, 187, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 of Explosive Substance Act.

Learned counsel for the petitioner submits that as per the prosecution story, the husband of the informant was sitting inside his jewellery shop on 13.03.2020. At about 5 O'clock six boys came riding on two motorcycles and shot at him and in the said firing he died. The informant came running to shop and found her husband falling on the counter with bleeding. He was brought to NMCH for



treatment but he died.

The informant has narrated that prior to the occurrence her husband received a call on mobile, the caller identified himself as one Sagar Yadav and warned her husband that if he wanted to save his life then he should obey the command of the caller. The husband of the informant did not pay heed to it. He again got a call on 25.03.2020, the caller identified himself as one Jaicky who threatened that if he is not obeying the command then be ready for result.

Learned counsel further submits that so far as this petitioner is concerned, he is not named in the FIR but his name has transpired on the basis of confessional statement of the co-accused. There is no direct or indirect evidence against him. Learned counsel further submits that the informant is not an eye witness and no witness has named this petitioner as having committed the occurrence.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. Learned APP submits that in the case diary the I. O. has collected materials. The witnesses who are from the neighbouring shop and staff of the shop of the deceased have made statement as recorded in paragraph '3' and '4' of the case diary. They have identified the assailants including this petitioner. This Court has been informed that altogether six miscreants have been identified who were actively participating in the alleged



occurrence, the name of the accused has been disclosed as Ravi, Reyance (this petitioner), Niraj, Patlu, Chandan and Manish. Apart from the firing even bombs were hurled on the spot.

It is further submitted that the co-accused Kundan Kumar and Ajit Kumar @ Ajit Yadav have been granted bail by the learned court below but their cases stand on different footing. This petitioner has got two criminal antecedents as stated in paragraph '3' of the present application. He has been taken on remand in this case.

Considering the facts and circumstances of the case, the seriousness of the allegation being that after the telephonic threats when the husband of the informant did not abide by the threat of the caller, he was attacked by members of an organized group and at least two witnesses have come forward to support the prosecution case and have identified the miscreants who were involved in firing and hurling bombs, this petitioner is one of them who was there inside the shop, in view of the seriousness of the allegation and the nature of materials placed before this Court, this Court is not inclined to enlarge the petitioner above named on bail. His 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'.

