

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5169 of 2021

Arising Out of PS. Case No.-745 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Raja @ Rajwa @ Sunil Kumar S/O Late Rajendra Singh Resident Of Village
Amra Talab, P.S- Sasaram (M), District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manan Kumar Mishra, Sr. Adv. Mr. Ashutosh Tripathy, Adv.
For the State	:	Mr. Nityanand, APP
For the Informant	:	Mr. Sanjay Kumar Pandey -5, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 30-06-2021 Heard learned Senior Counsel for the petitioner,

learned Additional Public Prosecutor for the State and learned

counsel for the informant through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Sasaram Town P.S. Case no. 745 of 2019 registered under sections 302, 379 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the informant that his son had started with his friends for having food in a restaurant. After about 45 minutes he received information to the effect that his son had been shot. On his along with the other persons reaching the place of occurrence, his son told him that the four named accused persons including the



petitioner herein had shot him. It is further stated that one Subhash Singh also narrated about the occurrence to the informant. His son was referred for better treatment to Varanasi but died on way.

It is submitted by learned Senior Counsel appearing for the petitioner that from the FIR itself it would transpire that the informant is not an eye-witness to the occurrence. The doctor has not certified with respect to the condition of the son of the informant and in absence of the same the so called dying declaration cannot be relied upon. The allegations are general and omnibus in nature. The cause of false implication is the earlier case lodged by the petitioner's mother which has been brought on record as Annexure- 2 to the petition. Further referring to the postmortem report, it is submitted that although as per the FIR the date and time of occurrence is some time late in the evening of 21.8.2019, however as per the postmortem report the date and time of occurrence would be between 6 am and 12 pm on 22.8.2019. The petitioner is in custody since 19.9.2019 and as per instructions received, charge has not been framed. Thus there is no chance of trial concluding in the near future.

The application for bail is opposed by learned



Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but is one of the assailants in the brutal pre-meditated murder. It is the deceased himself who before dying narrated about the occurrence to the informant specifically naming the petitioner as one of the assailants. The petitioner has a number of criminal antecedents.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made and the allegations levelled against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after framing of charge by the learned trial Court.

(Partha Sarthy, J)

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