

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9505 of 2021

Arising Out of PS. Case No.-231 Year-2019 Thana- HARNAUT District- Nalanda

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Ghantu Jha @ Makku, Son of Shashi Kant Jha @ Majanu Jha, Resident of
Village Powari, Police Station- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

7 16-11-2021 The applicant/accused in Crime No. 231 of 2019 registered with Harnaut Police Station for the offence punishable under Sections 302 and 120(B) of the Indian Penal Code as well as Section 27 of the Arms Act at the instance of the first informant Chanchal Devi, who happens to be the mother of the deceased, by this application is seeking regular bail.

 Heard the learned counsel appearing for the applicant/accused. He contended that the incident as reflected from the FIR took place at 2 A.M. of 10.06.2019. According to the prosecution case, by inflicting wounds by bullets, Prince @ Jairam was done to death. It is further argued that the inquest notes were taken by police at 8.40 A.M. on 10.06.2019 and subsequently, the FIR came to be lodged with great dealing. The



learned counsel argued that in all probability held the incident was allegedly witnessed by mother and father of the deceased, the FIR ought to have been lodged with promptitude and the delay in lodging the FIR prima facie indicates that there might have been some another FIR which is suppressed by the prosecution. He therefore submits that as genesis of the prosecution case is suppressed, the applicant/accused is entitled for release on bail during pendency of the trial.

The learned Prosecutor opposed the bail application.

I have considered the submissions so advance. So far as suppression of genesis of the prosecution case is concerned so also the delay in lodgement of the FIR is concerned, all these aspects are required to be taken care at the time of trial by cross-examining the Investigating Officer and by bringing out the relevant facts.

At pretrial stage, this Court cannot deal with the submission in respect of suppression of the FIR and substitution thereof by some other statement made after due deliberation by the prosecuting party.

Be that as it may, the FIR itself shows that mother of the deceased is the eye witness to the incident in question. She has attributed specific role to the applicant/accused in the crime



in question. As per her version, the applicant was one of the person who fired a bullet at her son, Jairam @ Prince Kumar. In that regards, statement of Abhay Kumar is also relevant.

Considering the nature of evidence against the applicant and seriousness of the offence alleged against him, no case for grant of bail to the applicant/accused is made out. Application is rejected. However, the trial is expedited.

(A. M. Badar, J)

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