

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14697 of 2021**

Arising Out of PS. Case No.-72 Year-2020 Thana- NAUGACHIA District- Bhagalpur

Lawan Kumar @ Lavan Kumar, S/O Pappu Yadav, Resident of Village-
Chaparghat, P.S.- Gopalpur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, A.P.P.

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

3 10-09-2021 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
Mr.Shyameshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Naugachia P.S. Case No. 72 of 2020 registered
for the offence punishable under Sections 302 and 120(B) of the
Indian Penal Code and Section 27 of the Arms Act. He is in
custody since 01.03.2020.

As per the prosecution story, the husband of the
informant was killed by fire arm on 26.02.2020. She had not

identified the assailant but in the light she identified that Abhishek Kumar, son of Rajesh Yadav, Mantu Yadav and Bijun Yadav who were nephew of Rajesh Yadav were standing with the wall of the house of the informant. The informant has alleged strong motive against them alleging that on 21.02.2020 and 23.02.2020 Abhishek Yadav and two nephews of Rajesh Yadav had come to her house and they had threatened her that as per direction of Rajesh Yadav who is presently in jail the whole family of the informant would be killed. It is alleged that because of the informant and others in family said Rajesh Yadav was in jail. The informant alleges that Rajesh Yadav had also threatened her husband in his shop and in village Gopalpur when he was not in custody and had alleged that because of them he was involved in this case.

Learned counsel for the petitioner submits that the petitioner has not been identified and co-accused Rajesh Yadav has been granted bail by the then 4th Additional Sessions Judge, Naugachia in Bail Application No. 169 of 2020.

Learned counsel submits that the petitioner has got one criminal antecedent and in these circumstances, he deserves privilege of bail.

Mr. Shyameshwar Dayal, learned A.P.P. for the State

has opposed the prayer for regular bail of the petitioner. It is submitted that the prayer for bail of the petitioner has been rejected by the learned court below after going through the materials present in the case diary. On the secret information leading to arrest of the petitioner, the Police arrested him and on the basis of his confessional statement a country made weapon/fire arm has also been recovered which has been seized as per paragraph '35' of the case diary. The learned court has also distinguished the case of the petitioner with that of co-accused Rajesh Yadav and rejected the prayer for bail.

Learned A.P.P. has drawn the attention of this Court towards the materials present in the case diary particularly the revelation in paragraph '39' and '40' of the case diary. It has come in the investigation that on query made from the Jail Superintendent, Naugachia a report has come that one Satesh Kumar Satan, son of Ramanand Singh had met Rajesh Yadav in jail on 21.02.2020. The Mobile number of this petitioner being 9523856115 has been analyzed and it has been found within the radius of the place of occurrence. The Mobile number of Satesh Kumar Satan being 7050982229 has also been found within the radius of the occurrence at the relevant time. Similarly it has been found that Mobile number 6207859680 which belongs to

one Piyush Kumar and Mobile number of Satesh Kumar Satan were in touch with the mobile number of this petitioner and they were talking to each other.

Considering the facts and circumstances of the case wherein strong substantial materials are present in the case diary showing the connections of the petitioner and others who are accused in this case and on the basis of the confessional statement of the petitioner, recovery of country made pistol has also been made by which the alleged crime was committed, this Court is not inclined to release the petitioner on bail. 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'.