

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3444 of 2022

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

Shiv Shankar Kumar @ Reyance Son Of Surendra Prasad R/O - Chutikiya
Bazar, Sakha Gali, Patna City, P.S.- Malsalami, District- Patna

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. IP Mandal, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-08-2022 Learned counsel for the petitioner is directed to
remove all the defects as pointed out by the office.

Heard learned counsel for the petitioner and learned
APP for the State.

The prayer for bail was lastly rejected by this Court
on 24.07.2021 for the reason that in course of investigation, at
least two witnesses came to support the prosecution case and
identified the miscreants who were involved in firing and
hurling bombs in course of occurrence causing death of the
jewellery shop owner.

Learned counsel for the petitioner has pressed this
application on the strength of his repeated submissions that the
co-accused similarly situated have been granted bail by learned
Co-ordinate Benches of this Court. In this connection, learned
counsel has placed before this Court Annexure '3' and '3/1' by



which the co-accused Ravi Kumar and Chandan Kumar have been granted bail. It is submitted that they were also identified by the witnesses but they have been granted bail, therefore, the petitioner deserves privilege of bail.

On the other hand, learned APP for the State submits that in the case of Ravi Kumar a submission was made before the learned Co-ordinate Bench that there is no eye witness of the occurrence and no eye witness has named the petitioner. Similarly, in the case of Chandan Kumar, the Court was not informed that he had been identified by any of the witnesses. All that was informed was that his name transpired in course of investigation in the statement of one Guddu Mishra. Guddu Mishra and his case stands on similar footing with that of co-accused Ravi Kumar. It is, thus, submitted that in both the cases, the learned Co-ordinate Benches of this Court were given to understand that the petitioners therein were not identified by any of the witnesses.

Having regard to the facts and circumstances of the case and the materials available on the record as also the submissions noticed by this Court, particularly that of the learned APP distinguishing the case of the petitioner, this Court is not inclined to allow this application on the ground of parity.



The principle of parity has been discussed by the Hon'ble Supreme Court in the case of **Mahadev Meena Vs. Praveen Rathore and Another** reported in **2021 SCC OnLine SC 804** and this Court is of the considered opinion that in the nature of the seriousness of the allegations, the severity of the punishment and the materials, the petitioner does not deserve privilege of bail.

This application is, thus, dismissed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

