

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3472 of 2022

Arising Out of PS. Case No.-316 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

Dipu Sao Son of Mahesh Sao Resident of Village- Aadampur, Police Station- Kalpa, District- Jehanabad and presently residing at Bairak Colony, Post and Police Station- Bhurkunda, District- Ramgarh, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4000 of 2022

Arising Out of PS. Case No.-316 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

Rajesh Sao @ Chhotu Son of Mahesh Sao Resident of Village- Aadampur, P.S.- Kalpa, District- Jehanabad and are presently residing at Bairak Colony, Post and P.S.- Bhurkunda, District- Ramgarh, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3472 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary,APP

(In CRIMINAL MISCELLANEOUS No. 4000 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in

connection with Ram Krishna Nagar P.S. Case No. 316 of 2021, corresponding to G.R. No. 5241 of 2021 registered for the alleged offences under Sections 147, 148, 149, 302 and 506 of the Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, the petitioners and other co-accused persons fired upon the husband of the informant who died while being taken to the hospital. The occurrence took place in the background of land dispute between the parties.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have been staying in Jharkhand along with their family members and they rarely used to visit their parental home. From the F.I.R. itself it appears that though the informant has been claiming herself to be an eye witness but her story is not believable. It is strange that the informant claims to have identified the petitioners and other co-accused persons at 8:45 P.M. in the night and also identified the order givers amongst them. She also identified the persons who fired the shot from their fire arms from distance which is further not possible in the night. Learned counsel further submits that the father of the petitioners is the own brother of the deceased and family partition had already taken place about 10-11 years back and

both of them are in peaceful possession of their respective share of land. In fact the deceased was having two wives and one of them is informant and she has been living at the village of the deceased. It seems that informant had named the entire family of the petitioners with oblique motive. Learned counsel further submits that on the date of occurrence the petitioner Dipu Sao was at his place at Bhurkunda, Jharkhand and some altercation took place with one Sanjay Kumar in the fateful evening of 06.08.2021 for which a sanha was lodged against the petitioners and other and later on the matter was compromised with intervention of local police. The petitioner Dipu Sao is 40% handicap and certificate in this regard has been filed on record. Charge sheet has been submitted in this case and the petitioners are in custody since 20.09.2021 and 15.09.2021, respectively.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that the informant has specifically named the petitioners for opening fire upon her husband and they are having criminal antecedent. Learned APP further submits that witnesses in paragraph 9, 10, 25, 26, 33 and 34 of the case diary have supported the prosecution case. The tower location of mobile phones of the petitioners was also found near the place of occurrence during the relevant period and they

were identified from the CCTV footage.

Perused the records.

Having regard to the nature of allegation against the petitioners which is quite grave and serious, I am not inclined to enlarge the petitioner on bail at this stage. Hence, their prayer for bail is rejected..

However, learned trial court is directed to expedite the trial and conclude the same within a year.

The petitioners will be at liberty to renew his prayer for bail if the trial is not concluded within the stipulated period.

(Arun Kumar Jha, J)

daya/-

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