

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71182 of 2021

Arising Out of PS. Case No.-304 Year-2021 Thana- GAURICHAK District- Patna

SINU KUMAR S/o- Bal Kishun Mahto @ Balkishun Mahto R/o- Rampur,
P.S.- Gaurichak, District – Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11052 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- GAURICHAK District- Patna

RAHUL KUMAR SON OF GYANI PASWAN R/O VILLAGE-
ABDULLAHCHAK, P.S.- GOPALPUR, DISTRICT- PATNA-803206 Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71182 of 2021)

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 11052 of 2022)

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 10-08-2022 Heard Mr. Manoj Kumar, learned counsel for the petitioner duly assisted by Arvind Kumar Pradhan in Cr. Misc. No. 71182 of 2021 and Mr. Surendra Kishore Thakur in Cr. Misc. No. 11052 of 2022, learned counsel for the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are in judicial custody in connection with Gaurichak P.S. Case No. 304 of 2021 for the offences



under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The informant has alleged in the FIR that he got information that his son has been killed by the unknown persons. Accordingly, he lodged the present FIR against unknown persons.

Considering the fact that FIR was lodged against unknown, case diary was called for on 25.05.2022.

Learned counsel for the petitioner submits that a bare perusal of paragraph-49 of the case diary shows that it was the informant himself, who had hatched conspiracy to kill his son in view of the fact that the entire family was disturbed due to his criminal attitude/activities. He as such submitted that on the request of the informant that the accused persons planned the killing. He submits that petitioners herein have no role to play. He further submits that co-accused, namely, Nitish Kumar @ Nitish Kumar Paswan, Rahul Kumar @ Rahul Kumar Sahani and Vinay Singh @ Vinay Kumar Singh have been granted bail by a co-ordinate Bench of this Court vide order dated 05.07.2022 and 11.07.2022 passed in Cr. Misc. No. 71627 of 2021, Cr. Misc. No. 18 of 2022 and Cr. Misc. No. 5169 of 2022 respectively.



Learned APP, on the other hand, took this Court's attention to the different paragraphs of the case diary to show that there is specific allegation against both the petitioners Sinu Kumar and Rahul Kumar, who shot at on the head of the deceased. He further submits that even the postmortem report shows two gun shot injury.

Taking into account the specific allegation that has come up during the course of investigation against both the petitioners herein of having shot in the head of the deceased, this Court is not inclined to grant them privilege of bail which is accordingly rejected.

Considering the fact that the petitioners in two cases are in custody since 24.08.2021 and 26.08.2021 respectively the Trial Court is directed to expedite the trial and conclude the same preferably within one year

(Rajiv Roy, J)

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