

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14238 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- DESARI District- Vaishali

Ram Kumar @ Ram Kumar Singh @ Chhotu Son of Late Nagendra Singh
Resident of Village - Rampur Kohiyar, P.S. Desari (Sahdei O.P), District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15526 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- DESARI District- Vaishali

Ankit Kumar Thakur @ Ankit Thakur son of Sri Krishnakant Thakur Resident
Of Village - Rampur Bahgel, Police Station - Desari (O.P. Sahdai), District -
Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14238 of 2022)

For the Petitioner/s : Mr. Ajay Kr. Thakur, Advocate

For the Informant/s : Mr. Jitendra Kumar Pandey, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 15526 of 2022)

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 31-08-2022 Both the criminal miscellaneous petitions relate to the

same P.S. case, hence they are being decided by a common

order.

The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within



one month.

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

Petitioners seek regular bail in connection with Desari (Sahdei O.P.) P.S. Case No.283 of 2021 registered for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegation, the informant's brother went to the area of the alleged place of occurrence to make recovery of dues amount of his company from the customers and during that course when he was performing his company's work he was shot dead by two motorcycle born criminals and informant's brother died at the spot and the accused persons fled away and as per the informant the deceased had been threatened by the accused persons before the happening of the alleged occurrence.

The main submissions advanced by the learned counsel Mr. Ajay Kr. Thakur for the petitioner Ram Kumar @ Ram Kumar Singh @ Chhotu are that the petitioner is not named in the FIR, the petitioner was not put on Test Identification Parade before the witnesses whose statements have been recorded during the course of investigation despite of the fact that the said witnesses claimed to have seen the alleged



occurrence of murder, during the investigation the police investigated the alleged crime on the basis of CCTV footage but the picture of this petitioner was not found in the CCTV footage at the relevant time on or near the alleged place of occurrence. Further submission is that the petitioner's name in the alleged crime surfaced in the statement of another co-accused namely Manish Kumar who was arrested in another case and on that basis the petitioner has been dragged in this case and he has been languishing in jail since 21st October, 2021 and against him there is no any material or evidence. Learned counsel for the petitioner Ankit Kumar Thakur @ Ankit Thakur has submitted that against the petitioner there is no any other material evidence to connect him to the alleged crime and this petitioner was arrested in other case from which he was remanded in the present case.

Learned counsel Mr. Jitendra Kumar Pandey for the informant and learned APP Mr. Kumar Birendra appearing for the State has vehemently opposed the bail prayer and submitted that against the petitioner there are criminal antecedents of several cases and on account of fear of the petitioner and co-accused no one is daring to come before the police and the police are making faulty investigation in this case.



Heard both the sides and perused the FIR and the case diary of the case. The present case relates to murder which was committed in broad daylight and the victim was shot dead by the miscreants who were riding on a motorcycle and from the alleged place of occurrence used cartridges, motorcycle etc. were recovered and both the petitioners have got criminal antecedents of several cases and the location of mobile phones has been found near the place of occurrence at the relevant time of alleged occurrence as per Paragraph No. 62 and the case diary goes to show that the investigation in respect of co-accused persons is still pending. Considering these facts in the opinion of this Court it will not be proper to enlarge both the petitioners on bail. Accordingly, their bail prayer stands rejected.

(Shailendra Singh, J.)

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