

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29587 of 2021

Arising Out of PS. Case No.-711 Year-2020 Thana- NAWADA District- Nawada

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Sargun Rajbanshi S/o Ramswarup Rajbanshi @ Ramswarup Ram Resident of Village /Mohalla- Karam Tola Mithapur, P.S. - Akbarpur, District - Nawada at present Resident of Village - Dobhrapar, P.S. - Nawada (Bundelkhand), District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Deo Raj, Advocate.
For the State	:	Mr. Bharat Bhushan, APP.
For the Informant	:	Mr. Radhey Shayam Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 20-06-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Krishna Deo Raj, learned counsel for the petitioner, Mr. Radhey Shayam Kumar, learned counsel for the informant as well as Mr. Bharat Bhushan, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar since 13.08.2020 in connection with Nawada (Bundelkhand) P. S. Case No. 711 of 2020 giving rise to Sessions Trial No. 04/2021, 05/2021 registered for the offences punishable under



Sections 396, 397 and 412 of the Indian Penal Code.

As per the prosecution case, it is alleged that in the night of 11.08.2020 while the informant along with his family members were sleeping in his room and his son Raushan Kumar (deceased) was sleeping in the next room. In the meantime, four to five unknown persons entered in his house and brutally assaulted them and the looted his belongings and thereafter, they fled away. When the informant entered in the room of his son, he saw that his son was lying died and his throat was found to be cut by sharp cutting weapon.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. and though the informant asserted to identify the accused persons, he has not been put on TIP. It is also submitted that the petitioner is in custody for more than three years and having no criminal antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, the name of the petitioner has been transpired on the confessional statement of co-accused Rahul Kumar and on the basis of that this petitioner has been apprehended and he has confessed his involvement in the



present crime and on the basis of his confession, the looted articles have been recovered from the house of the relative of the petitioner. It is also submitted that the looted articles have been put on T.I.P. and the same has been identified by the informant. It is next submitted that it is a case of *dacoity* with brutal murder of the son of the informant.

Learned counsel appearing on behalf of the informant also opposes the bail application and submits that during the course of investigation, the involvement of the petitioner has come and the looted articles have been recovered from the possession of his relative.

Having considered the nature of the accusation and taking into account that *dacoity* was made in the house of the informant and in the said *dacoity*, the *dacoits* killed his son Raushan Kumar and further during the course of investigation, it has come that the co-accused Rahul Kumar was in touch with this petitioner and this petitioner has confessed his complicity in the crime and further his confession also lead to recovery of looted articles, which has been identified by the informant, apart from the fact that other similarly situated person namely, Md. Bablu @ Bablu @ Babli, whose name has also been transpired on the confessional statement of Rahul Kumar, his prayer for



bail has been rejected by a coordinate Bench of this Hon'ble Court in Cr. Misc. No. 22752 of 2021 vide order dated 17.01.2022. This Court is not persuaded to enlarge the petitioner on bail.

Accordingly, this application stands dismissed.

Further it has been submitted by the parties that the trial is going on and as such, the learned trial court may be directed to expedite the trial. Considering the submissions, this court observed with trust and hopes that the learned trial court will take all possible endeavour to conclude the trial expeditiously.

(Harish Kumar, J)

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