

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39248 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- BAKHTIYARPUR District- Patna

RANJAY @ RANJAY KUMAR @ RANJAN KUMAR Son of Vijay Kumar
@ Vijay Yadav Resident of Village- Madhopur, P.S.- Bakhtiyarpur, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Mustaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-02-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 12.01.2021
seeks regular bail in connection with Bakhtiyarpur P.S. Case No. 06
of 2021, for the offence punishable under Sections 341, 323, 354(A)
and 302/34 of Indian Penal Code, pending in the Court of learned
Addl. Chief Judicial Magistrate-III, Barh, Patna.

The prosecution case, in brief, is that on 04.01.2021,
the informant along with his family members had fixed five tents
in the field of Railway Colony, Bakhtiyarpur. In the night at 11.30
P.M. four unknown came there armed with pistol and captured
Kapoor Pawar and forced to come out from tent to all the



members. They began to outrage the modesty of the female members. On protest, one committed firing told that not to make noise otherwise, they will be killed. Further submitted that female members began to quarrel and they assaulted the inmates by Danda and also made firing and fled away towards railway line. He and his family members also decamped from there. After some time, they also committed firing due to which his mother got sustained injury. In the meantime, Police came there and chased them. Police told the name of criminals as Suraj Kumar, Pankaj Kumar, Ranjay (Petitioner) and Shakti Singh. They identified them in the light of electric and torch. His mother brought to Sadar Hospital by Police for treatment, where, she declared dead.

Learned counsel appearing on behalf of the petitioner submits that there is false implication of the petitioner by mourning the whole prosecution story by the Police personnel. There is no eye-witness of the present case and the informant as well as his other family members have not even identified the petitioner. He further submits that petitioner has not been put on T.I.P. while he is in custody since 12.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that inquest report of deceased has been mentioned in para-2 re-statement of informant has been mentioned vide para 5 of the case diary. The statement of witnesses has been mentioned in paragraph Nos.



6,7,10 and 11 of the case diary as well as the confessional statement of the petitioner in paragraph No. 47 of the case diary, where the present petitioner has admitted his indulgence in the crime. The Postmortem report of the deceased confirms the death of victim due to cardio respiratory failure due to shock and haemorrhage caused by gunshot.

Considering the aforementioned facts and circumstances of the case and also considering the nature of the seriousness of the offence before going into the merits of the application, this Court intends to note some of the decisions of the Apex Court for considering the application for grant of bail as well as interim relief, the Court has to give list of all the factors, which a Court may consider in disposal of a bail application and the Court has to keep in mind that there should not be any impediment in progress of the fair trial as observed in ***Talab Haji Hussain v. Madhukar, 1958 SCR, 1226***. The Apex Court has also directed to decide the question of grant of bail in light of such considerations as the nature seriousness of the offence. In the case of ***State of Maharashtra vs Anand Chintaman Dighe, 1990 (1) SCC 397***.

From the submissions made by the rival parties, it is clear that the accused has been involved in committing the serious offence in which a lady has died due to gunshot and the petitioner has confessed his guilt in paragraph No.47 of the case diary though it has no evidentiary value, but so far as for consideration of the



application for bail and taking into seriousness and gravity of the offence, *prima facie* it appears that the present petitioner along with other accused persons cannot be denied of their complicity in the murder of the deceased woman. Accordingly, the present bail application is dismissed.

The above observation made by this Court is for the purpose of disposal of this application and nothing has been expressed on merits of the case. The Court below is further directed to expedite the trial, if no substantial progress take place in the trial, the petitioner, if so advised, may renew his application for bail.

(Purnendu Singh, J)

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