

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2966 of 2021

Arising Out of PS. Case No.-221 Year-2019 Thana- PATORI District- Samastipur

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RUPESH KUMAR @ RUPESH THAKUR @ RUPESH KUMAR THAKUR
S/o Rakesh Kumar Thakur R/o Village- Gorgana, P.S.- Patori (Shahpur
Patori), District- Samastipur, through legal guardian Sudha Devi (the mother
of petitioner) (F) aged about 47 years, W/o Rakesh kumar Thakur, R/o
Village- Gorgana, P.S.- Patori (Shahpur Patori), District- Samastipur.

... .. Appellant

Versus

1. The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad, Advocate
For the Respondent/s : Mr.Syed Ashfaque Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the appellant and learned
APP for the State through virtual mode.

This criminal appeal has been preferred against the
order dated 18.02.2021 passed by learned Additional District &
Sessions Judge-1st -cum- Children’s Court, Samastipur whereby
and whereunder the learned Sessions Judge has rejected the
prayer for bail of the appellant in connection with Patori P.S.
Case No. 221/2019, registered for the offences under sections



302 of the Indian Penal Code and 27 and 34 of the Arms Act.

The prosecution story, in brief is that the accused persons entered into the house of the informant fired at the husband of the informant due to which he died.

It has been submitted on behalf of the appellant that the appellant is in custody since 27.05.2020. Charge-sheet has been submitted in the present case. There is no allegation of tampering alleged against the appellant. The appellant has falsely been implicated in the present case. The source of identification has not been disclosed the prosecution. The alleged occurrence is said to have taken place in the night. The place of occurrence had also been disputed. No incriminating material was found at the place of occurrence which doubts the place of occurrence as alleged by the prosecution.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The informant is eye witness to the alleged occurrence. Specific allegation of firing upon the deceased is alleged against the appellant. The post-mortem report also corroborates with the allegation made in the F.I.R..

Having regard to the facts and circumstances of the case, Social Investigation Report of the appellant was called for from the concerned Probation Officer. The Probation Officer in



his report has reported that during inquiry the neighbours have stated that appellant has notorious nature. His previous record is not good and is a defiant and is not in control of his parents. The factors for involvement of appellant in this case has been indicated to be underdeveloped mental level and bad company, Further, it has been opined by the Probation Officer that the appellant requires to be reformed while keeping him in observation home.

Considering the facts and circumstances of the case as well as the findings of the Probation Officer in the Social Investigation Report of the appellant, this Court finds no reason to interfere with the order passed by learned Additional District & Sessions Judge-1st -cum- Children's Court, Samastipur in Patori P.S. Case No. 221/2019. The prayer for grant of bail is rejected. The Court below is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of this order taking into account that the appellant is in custody since 27.05.2020.

(Sudhir Singh, J)

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