

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49362 of 2021

Arising Out of PS. Case No.-296 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Brij Kishore Singh, S/o Dharamnath Singh, R/O Village-School Chowk
Turkauliya, P.S- Turkauliya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Shakti Suman Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Prateek Tandon, learned counsel for the
petitioner, Mr. Shakti Suman Kumar, learned counsel for the
informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sessions Trial No. 368 of 2021, arising out of
Turkauliya P.S. Case No. 296 of 2021, for the offences
punishable under Sections 504, 341, 506, 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on
07.04.2021, while the informant along with his family members



were sitting at the door of his house, then all the F.I.R. named accused persons variously armed came there and started abusing. On protest made by the informant, the petitioner and co-accused Rahul Kumar caught hold his brother Vivek Kumar and thereupon this petitioner ordered the co-accused Golu Kumar to shoot him thereafter Golu Kumar fired a gunshot on Vivek Kumar, resulting into his death.

Learned counsel appearing on behalf of the petitioner submits that save and except the allegation that this petitioner caught hold the deceased and ordered to kill, there is no other allegation and moreover the specific allegation of firing has been levelled against co-accused Golu Kumar. It is next submitted that co-accused Rahul Kumar, having identical allegation, has already been granted bail by this Court in Cr. Misc. No. 52915 of 2021 vide order dated 17.05.2022 and so far this petitioner is concerned, he is a man of fair antecedent and is in custody since 08.04.2021.

On the other hand learned counsel for the informant vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he caught hold the deceased and on his dictate co-accused Golu Kumar fired upon the deceased. He further submits that the trial is at the fag



end and only investigating officer is yet to be examined.

Having regard to the submissions made on behalf of the parties and considering the fact that even as per the prosecution case it is specifically alleged that the petitioner and co-accused Rahul Kumar caught hold the deceased and thereupon on the dictate of this petitioner, his son Golu Kumar fired upon the deceased, apart from the fact that the trial is at the fag end, this Court is not persuaded to enlarge the petitioner on bail, for the present.

Accordingly, the prayer for grant of bail is rejected.

However, learned trial court is directed to take all necessary steps to conclude the trial within a period of two months from the date of receipt/production of a copy of this order, failing which the petitioner would be at liberty to renew his prayer for bail before the learned trial court itself and the learned trial court will pass appropriate order for his release on its own terms and conditions.

(Harish Kumar, J)

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