

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50239 of 2021

Arising Out of PS. Case No.-168 Year-2021 Thana- RIGA District- Sitamarhi

PREMCHAND KUMAR Son of Nand Kishore Sah @ Kishori Sah Resident
of- Ward No.-13, Kushmari, P.S.- Riga, District- Sitamarhi.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate. Ms. Preety Kunwar, Advocate.
For the State	:	Mr. Md. Mushtaque Alam, A.P.P.
For the Informant	:	Mr. Alok Kumar Alok, Advocate. Mr. Santosh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 09-02-2022 The applicant/accused is given out of turn hearing on the
basis of stated reason i.e. marriage ceremony of his daughter.

The applicant is an accused in Crime No.168 of 2021
registered with Police Station-Riga for the offences punishable
under Sections 394, 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The learned counsel appearing for the applicant argued
that the applicant is falsely implicated in the subject crime as he
is Mukhiya of the village and had defeated the grand mother of
the deceased in the election. My attention is drawn to the
document at Annexure-2 which is a complaint lodged by a
married woman with the Police Station Officer Mahindwara



alleging cruelty. It is argued on the basis of this report that the applicant was present at the police station when the incident as alleged by the prosecution took place and the applicant is falsely implicated in the subject crime.

The learned A.P.P. opposed the application by contending that apart from the first informant there are other witnesses who are supporting the prosecution case.

I have considered the submissions so advanced and also perused the materials placed on record.

Shambhu Kumar who is brother of the deceased Ajay Kumar lodged report of the incident on 25.04.2021. He stated in his F.I.R. that along with his brother Ajay Kumar (since deceased), at about 02.30 P.M. of 25.04.2021, he had left for making payment of labourers. He was carrying an amount of Rs.125000/-. He further reported that when he reached near the spot of the incident, 6 named accused persons surrounded them. They were riding on three motorcycles. They all were carrying country made firearms. The first informant reported that all accused persons started firing. Co-accused Dilip Kumar had fired at his brother Ajay Kumar and bullet hit on the chest. They snatched the bag containing money. On hearing the sound of Ram Ekbal Mahto, Sanjay Kumar and Aditya Prakash, the



accused persons flee from the spot on instruction of the present applicant.

Ajay Kumar died because of bullet injuries suffered by him. The first informant as well as witnesses Ram Ekbal Mahto, Sanjay Kumar and Aditya Prakash are naming the applicant as one of the accused involved in the incident in question. In this view of the matter, no case for grant of bail to the applicant is made out. The application is rejected.

(A. M. Badar, J)

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