

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54799 of 2021

Arising Out of PS. Case No.-506 Year-2020 Thana- JAKKANPUR District- Patna

GAURAV KUMAR SINGH, SON OF LATE SUBODH SINGH RESIDENT
OF CHANDMARI ROAD T.N. PATH CORNER KE PAS, POLICE
STATION- KANKARBAGH, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Shraddhanand Paswan

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with
Jakkanpur P.S. Case No. 506 of 2020 (G.R. No. 7155 of 2020),
instituted for the offences under Sections 302, 394, 34 of the
Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 06.02.2021, charge-sheet has been
submitted and has antecedent of one case and charges have been
framed on 17.12.2021.

The learned counsel for the petitioner submits that the
informant alleges that the informant along with his wife alighted
at Agar Kuan at 11.30 P.M. on 28.11.2020 and took an auto for



going to railway station in which three accused were sitting from before apart from the driver of the auto, further the auto was stopped at Chirayatal bridge and the three accused persons started looting the informant and his wife and when wife objected the loot, she was shot.

The learned counsel for the petitioner submits that the FIR was against unknown and the name of this petitioner transpired as the owner of the auto disclosed that petitioner was the driver of the auto rickshaw, accordingly, the petitioner was arrested and he confessed his participation in the crime. The learned counsel submits that the petitioner has not been put on T.I. Parade nor any incriminating article has been recovered from his possession and further co-accused Awdhesh Kumar Yadav@ Jishu has been granted bail by this Court vide order dated 24.1.2022 passed in Cr. Misc. No. 47770 of 2021.

The learned A.P.P. vehemently opposes the bail application and submits that the petitioner has one antecedent and the case of this petitioner can easily be differentiated from the case of Awdhesh Kumar Yadav @ Jishu. The learned APP further submits that from perusal of the allegation, as alleged in the FIR, it would manifest that the informant specifically alleges that the auto was stopped at Chirayatal Bridge, there is not even



a remote whisper in the allegation that the petitioner was asked or was forced to stop the auto on the bridge by the accused persons, rather it appears that the petitioner was in league with the accused and as such stopped the auto on the bridge and thereafter loot was committed and when the wife of the informant protested, she was shot. The learned APP further submits that if the petitioner would not have been involved in the occurrence then he would have rushed the deceased to the hospital or would have informed the police about the occurrence. The fact that the petitioner fled along with the accused from the place of occurrence that in itself demonstrates that the petitioner was also involved in the occurrence. The learned APP further submits that as far as Awadhesh Kumar Yadav @ Jishu is concerned, his name came in the confessional statement of co-accused, Gurav Kumar Singh, in police custody which for the purposes of bail was considered for granting him bail but in the present case, the auto was identified and the owner was traced and it was the owner of the auto, who disclosed that petitioner was his driver, this amply links the petitioner with the offence for the present subject to what will transpire in the trial.



Considering the submissions made by the learned APP, the Court, for the present, is not inclined to grant bail to the petitioner, therefore, the prayer for bail is rejected, however, the petitioner would be at liberty to renew his prayer for bail after the evidence of the informant is recorded in the trial.

(Satyavrat Verma, J)

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