

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55242 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

MARUTI NANDAN THAKUR @ ANANT THAKUR Son of Dhananjay
Thakur @ Ranjay Thakur Resident of Village - Kapshya Chowk Near Alka
Cinema Hall, P.S.- Begusarai Town, District - Begusarai ...

... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and sections 25(1-B)(a), 26 and 27 of the Arms Act.

As per the prosecution case, on the three accused persons who were on a motorcycle being stopped by the informant and another police personnel for checking it is stated that they entered into a scuffle with the informant. One of the accused managed to free himself and taking out a country made pistol shot at and killed Rajwardhan Ranjan, a police personnel, who died on the spot. It is further stated that all the three accused persons were caught at the place of occurrence including the accused who had shot the police personnel.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. No inquest was prepared at the spot. There is an inordinate delay in lodging of the FIR. Referring to the contents of the postmortem report it is submitted that while the occurrence is said to have taken place at night, the finding of the postmortem examination was that the stomach of the deceased was found empty. Thus, it is submitted that the manner and time of occurrence is other than what has been narrated in the FIR. The petitioner is in custody since 31.5.2020.

It is submitted by learned APP for the State that the petitioner is the assailant of the deceased and he was caught along with other accused persons on the spot.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner of having shot at and killed a police personnel as also the petitioner being caught at the place of occurrence, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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