

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59566 of 2021

Arising Out of PS. Case No.-193 Year-2019 Thana- BIHRA District- Saharsa

Rishav Kumar @ Rishav Gupta S/O Arbind Prasad Gupta R/O Village-
Patori, P.S.- Bihra, District- Saharsa

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arun
For the Opposite Party/s :	Mr. Uday Chand Prasad
	Mr. Mukesh Kumar No.1
	Mr. Ashok Kumar Pathak

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 307, 302, 120(B)/ 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 16.11.2019, charges have been
framed and has antecedent of one case.

The learned counsel for the petitioner submits that the
informant alleges that on orders of Manoj Pandey, the petitioner
along with co-accused fired at the son of the informant and his
brother-in-law and his son died and the brother-in-law of the son
of the informant received gunshot injury.



The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The informant is not an eye witness to the occurrence. It is further submitted that since the informant is not an eye witness to the occurrence, as such, the allegation against the accused turns out to be general and omnibus in nature.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application and submits that similarly situated co-accused Jyotish Kumar Sharma @ Jyotish Sharma @ Jyotish Kumar and Sanjay Mistri @ Sanjay Sharma's bail have been rejected by order dated 17.11.2021 in Cr. Misc. No.56958 of 2021, Kumod Roy @ Kumod Kumar Roy's bail application has been rejected by order dated 01.12.2021 in Cr. Misc. No.41744 of 2021. Similarly, Victor Singh @ Nitesh Kumar Singh's bail application has been rejected by order dated 04.12.2020 in Cr. Misc. No.31935 of 2020. It is further submitted by the learned counsel for the informant that the trial has commenced and four witnesses have been examined and the trial is going to conclude soon.

Considering the submissions made by the learned counsel for the informant as well as learned A.P.P. for the State, the Court is not inclined to grant bail to the petitioner.



Accordingly, prayer for the bail of the petitioner stands rejected for the present.

However, the learned Court below is directed to expedite the trial and conclude the same, positively within a period of seven months from today.

(Satyavrat Verma, J)

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