

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30455 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- MALSALAMI District- Patna

DINESH GOP S/o Hari Nath Ray @ Bhulla Ray R/o Bhattipar, Samariya Gali
(Samaliya Gali), P.S.- Malsalami, Dsitt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59583 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- MALSALAMI District- Patna

SANJAY KUMAR @ KHESHARIYA S/o- Late Harishchand Yadav R/V -
Purvi Nandgola Ghat, P.S. - Malsalami, Distt. - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60001 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- MALSALAMI District- Patna

RAHUL KUMAR @ ABHISHEK KUMAR S/o- Sri Dhananjay Kumar Singh
R/v- Purvi Nandgola Ghat, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30455 of 2021)

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 59583 of 2021)

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 60001 of 2021)

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA



ORAL ORDER

4 02-03-2022 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, in all the three cases.

The petitioners seek regular bail in connection with Malsalami Police Station Case No. 275 of 2020, registered for the offences punishable under Sections 341/323/307/364/201/506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information, is that the petitioners arrived at the house of the informant and Called his brother, Rinku, and took him away with them. The informant followed the accused persons and saw that the petitioners were assaulting his brother by means of lathi and sticks and when the informant objected, he was threatened by the accused persons on the gun point and was asked to go back and it has further been alleged that the informant saw the accused persons firing upon his brother with their pistols and the informant, in order to save his life, fled away from the place of occurrence.

Learned Counsel for the petitioners submit that the petitioners have falsely been implicated in this case without any material against hem. They further submit that nobody has seen the alleged occurrence and the dead body of the brother of the



informant has not been found by the police in course of investigation. They further submit that the petitioner Rahul Kumar was arrested by the police on 16.11.2020; whereas petitioners, Dinesh Gop and Sanjay Kumar, have surrendered before the learned Court below on 09.12.2020 and 03.12.2020, respectively, and their confessional statements were recorded by the police.

On the other hand, learned Additional Public Prosecutor submits that the petitioners have got criminal antecedent and they have specifically been named in the First Information Report as the persons who took away the brother of the informant and the informant has seen that the petitioners were firing bullets upon his brother. He further submits that in course of investigation, the petitioners, in their confessional statements, stated that the brother of the informant was killed by them and they put the dead body in a sack and threw the sack in River Ganga from Nuruddinganj Ghat, from where the cloths of the informant's brother (deceased) was recovered by the police and the informant identified the same as the cloths of his brother and one motorcycle was also recovered by the police from Nuruddinganj Ghat.

Regards being had to the submissions advanced on



behalf of the parties and taking into consideration the materials available on record and the fact that the petitioners took away the brother of the informant from his house, they are specifically named in the First Information Report, the informant has seen the petitioners firing upon his brother and the petitioners have got criminal antecedent, I am not inclined to grant regular bail to the petitioners.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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