

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62184 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- FATUA District- Patna

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BIMLESH KUMAR GIRI @ CHHOTAN S/o Sri Narendra Goswami R/o
Village- Rauni, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 26-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Fatuha
P.S. Case No. 222 of 2021 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code read with
Section 27 of the Arms Act.

As per prosecution case, the informant alongwith
her daughter and husband gone to Daniyawa to make payment
of Rs. 4,00,000/- (Rupees Four Lacs) and when her husband
reached near Chhapak Water Park on the way of Patna
Bakhtiyarpur road some unknown persons shot him dead.

Learned counsel for the petitioner submits that



petitioner is in custody since 27.03.2021. Petitioner bears one criminal antecedent. Learned counsel further submits that petitioner is not named in the F.I.R. During course of investigation name of present petitioner has been transpired on the basis of spy and in his confessional statement before police the petitioner accepted his guilt of firing and on the said firing the death of informant's husband took place. Except confessional statement of the petitioner, there is nothing on record to demonstrate the complicity of the present petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. He further submits that in para 56 of the case diary, petitioner confessed his guilt with regard to firing upon the informant's husband and postmortem report corroborates the cause of death is firing. As mentioned in para 33 of the case diary, tower location clearly indicates the complicity of present petitioner with the alleged occurrence.

Considering the facts and circumstances of the case as well as accusation against the petitioner coupled with postmortem report and material available on record, I am not inclined to grant bail to the present petitioner. Hence, the bail of the present petitioner hereby rejected.



However, learned trial court is directed to conclude the trial within six months from the receipt of the order if there is no substantial progress in the trial within said period, petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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