

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68241 of 2021**

Arising Out of PS. Case No.-55 Year-2021 Thana- NARPATGANJ District- Araria

NIRAJ KUMAR RAM @ NIRAJ KUMAR Son of Late Kishori Ram
Resident of Village - Bhagkohalia, P.S.- Forbesganj, District - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 68958 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- NARPATGANJ District- Araria

ABHAY BISHWAS @ ABHAY KUMAR Son of Arun Bishwas @ Arun
Kumar Vishwas Resident of Village - Majhuwa, Ward No.- 06, P.S.-
Forbesganj, Dist.- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68241 of 2021)

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 68958 of 2021)

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 11-05-2022 Learned counsel for the petitioners undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners in both the

applications and learned A.P.Ps. for the State.

Petitioners, in the present case, are seeking regular

bail in connection with S. T. No. 223 of 2021 arising out of



Narpatganj (Bathnaha) P.S. Case No. 55 of 2021 registered for the offences punishable under Sections 394, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act. They are in custody since 10.03.2021. Petitioner in Cr. Misc. No. 68241/2021 has got one criminal antecedent of a case under the Arms Act whereas petitioner in Cr. Misc. No. 68958/2021 has got two criminal antecedents as stated in paragraph '3' of the applications.

Learned counsel for the petitioners submits that as per the prosecution story when the deceased Aman Gupta was returning with the informant Rahul Kumar Gupta after collecting money of Rs. 2,00,000/- of rice from different businessmen and reached Balugarh Sonapur near Chhoti Pulia, then four miscreants on two motorcycles stopped them. Two persons took away cash from the informant and one mobile phone of Aman Gupta. Aman Gupta tried to escape but in the meantime the miscreants fired on the informant causing injury on the left thigh and also chased Aman Gupta and fired two shots on him and looted away cash from him. All the miscreants fled away toward Sonapur. Aman Gupta was brought to the Sadar Hospital where he declared dead.

Learned counsel for the petitioners submits that so far



as these two petitioners are concerned, they have been made accused in this case after their arrest in connection with Narpatganj P.S. Case No. 54/2021 for the offence under Sections 412/414/34 of the Indian Penal Code read with Sections 25(1-b)a/(ab)/26 (1)(2)/35 of the Arms Act.

Learned counsel submits that in the confessional statement, it is stated that both these petitioners along with one Chhotu Kumar Mandal, Shyam Bahardar had committed the alleged crime in which a sum of Rs. 2,00,000/- were looted away and one Aman Gupta was murdered. It is his submission that even though the informant says that he can identify the accused persons, till date no Test Identification Parade has been conducted.

Learned counsel for the petitioners further submitted that even as it is stated that in CCTV footage of the local market area two motorcycles were found running away speedily, there is no specific identification of these two petitioners on the said motorcycle.

On the other hand, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners. It is his submission that both these petitioners have got criminal antecedents. They have been arrested with arms and that is a



circumstance which show that they are involved in the present occurrence. It is his submission that both of them were arrested with the arms on the same day and police has registered the F.I.R. under the Arms Act initially and later on when the confessional statements were made by the accused and the manner of occurrence were stated, both of them have been taken on remand.

Learned A.P.P. submits that the fact that no Test Identification Parade had been conducted alone would not be a ground in such circumstance to release the petitioners on bail particularly when it is a case of robbery with death of one of the persons.

Having regard to the gravity of the offence alleged, the fact that both the petitioners were arrested on the same day with the arms and in the CCTV footage at least two motorcycles, which have been seized, have been found speedily running away, there is no denial that the motorcycle belong to these petitioners, this Court is not inclined to release these petitioners on bail at this stage.

Prayer for regular bail of these petitioners is, thus, refused.

Let the trial be expedited.



If the trial remains unconcluded within a period of nine months for no reason attributable to the petitioners, they may renew their prayer for bail.

Both these application stand disposed off accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

