

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69407 of 2021

Arising Out of PS. Case No.-603 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rishav Kumar @ Tighar S/o Surendra Singh @ Suro Singh R/o Village-
Pachamba, P.S.- Begusarai Muffasil (Singhaul O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shubhesh Pandey, Advocate
For the informant	:	Mr. Pritish Kr. Lal, Advocate
For the State	:	Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with S. Tr. No. 343 of 2021 arising out of Begusarai Muffasil (Singhaul O.P.) P.S. Case No. 603 of 2020 registered for the alleged offences under Section 302 of the Indian Penal Code as well as Section 27 of the Arms Act.

As per prosecution case, the petitioner fired on the neck of the husband of the informant causing his instant death when the deceased intervened in the altercation taking place



between the petitioner and the agnates of the deceased. The petitioner was overpowered by the persons who were nearby and was handed over to the police.

Learned counsel for the petitioner submits that from the F.I.R., it is clear that the informant is not an eye witness and she has not disclosed how she came to know about the occurrence. The informant has not seen who fired upon on her husband. Though the petitioner was apprehended by the public but no recovery of any murder weapon was made from this petitioner, though one empty cartridge has been seized from the spot. The informant has been examined before the learned trial court wherein she has deposed that when she came out from her house after hearing the sound of firing, she did not see the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 02.12.2020.

Learned counsel for the informant submits that the informant does not want to oppose the prayer for bail and she is not interested in pursuing further the matter. However, learned APP and learned counsel appearing on behalf of the brother of the deceased oppose the prayer for bail. It has been submitted by the learned APP for the State that there is specific allegation against the petitioner for shooting dead the husband of the



informant and trial has progressed in this case and all the prosecution witnesses have been examined. He further concedes that the petitioner is a habitual offender and a number of cases are pending against him. Learned APP for the State further submits that witness in paragraph 14, 15 16 and 17 of the case diary have also supported the prosecution case about petitioner firing upon the husband of the informant and causing his death.

Perused the records.

Having regard to the facts and circumstances and considering the serious nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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