

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72182 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- KOTWALI District- Munger

RAGHUVVEER KUMAR, S/o Late Birendra Mahto @ Late Birendra
Kushwaha R/o village- Hira Lal Chowk, P.S.- Nagar, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha , Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Heard learned counsel for the petitioner and

Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Kotwali P.S. Case No. 190 of 2020 registered for the offences punishable under Section 302, 34 of the Indian Penal Code and 27 of the Arms Act. He is in custody since 18.08.2020 having three criminal antecedents as stated in paragraph '3' of the application but in all the three cases he is said to be on bail.

As per the prosecution story, the main assailant of the case is one Rupesh Kumar who had allegedly come with this petitioner to the house of the informant in search of his wife Sapna Kumari. The informant happens to be the Bhabhi of Sapna Kumari. It is alleged that Rupesh Kumar was abusing and



assaulting the family members and asked to call Sapna at once, in the meantime, her husband came from upstairs and asked to stop assaulting the family members on which Rupesh Kumar told this petitioner to catch hold of the husband of the informant, the allegation is that this petitioner pushed the husband of the informant to the wall and Rupesh Kumar took out his pistol during which he fired upon the husband of the informant which ultimately proved fatal.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case, in course of investigation it is alleged that the confessional statement of Rupesh Kumar was extracted and his signature was taken on blank paper. It is stated that Rupesh Kumar told that both the persons had fired upon the deceased.

Learned counsel submits that in any case the overt act has not been committed by the petitioner and he has remained in custody for about nine months.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that from the First Information Report it is evident that this petitioner had actively participated in the allege occurrence and it is he who had pushed the husband of the informant to the wall and that facilitated the



killing of the husband of the informant.

Having regard to the materials noticed above in which this court finds that the active participation of this petitioner has been alleged, the manner of occurrence and the way the petitioner is said to have pushed the husband of the informant to the wall and facilitated firing upon him by the co-accused Rupesh Kumar and further that the petitioner has got criminal antecedents as well, this Court is not inclined to release the petitioner on bail at this stage.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited. If the trial remains unconcluded for a period of one year from the date of communication of this order, the petitioner may renew his prayer for bail.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

