

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79953 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- JHAJHA District- Jamui

Rahul Kumar Rawat Son of Ashok Rao @ Ashok Rawat Resident of Village -
Ghorparan, P.S. - Laxmipur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Rajesh Kumar Sinha, Advocate
For the State	:	Mr. Anuj Kumar Shrivastava, APP
For the informant	:	Mr. Shailesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 28-09-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

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 Jhajha P.S. Case No. 18 of 2019 registered for the alleged offences under Sections 147, 148, 149, 302, 427 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act and Section 3/4 of the Explosive Subs Act.

As per prosecution case, the petitioner and other co-accused persons committed murder of the brother-in-law of the informant as well as his co-villager by firing upon them when



the miscreants intercepted the vehicle, in which they were travelling and also hurled bombs. The occurrence took place in the background of enmity of the petitioners and other co-accused persons with the informant who was supposed to travel by the said vehicle.

The learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that the informant is not an eye-witness. The FIR was registered on the basis of saying of driver of the informant, Mamta Yadav, who was later on himself made an accused in this case. The allegations are general and omnibus that all the accused persons open fired and hurled bombs. A number of co-accused persons have been granted bail by different Co-ordinate benches. Dharma Paswan has been granted bail vide order dated 29.08.2019 passed in Cr. Misc. No. 43176 of 2019, Niraj Yadav has been granted bail vide order dated 06.11.2019 passed in Cr. Misc No. 49434 of 2019, Radhey Yadav has been granted bail vide order dated 16.05.2022 passed in Cr. Misc. No.54935 of 2021, Mamta Yadav has been granted bail vide order dated 16.05.2022 passed in Cr. Misc. No. 59581 of 2021 and Karu Yadav has been granted bail vide order dated 05.07.2022 passed in Cr. Misc. No. 78020 of 2019. The



petitioner is in custody since 05.03.2019 and trial has not yet been concluded and only four witnesses have been examined till date out of total eight witnesses and there is no likelihood of any early conclusion of the trial.

Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. It has been submitted by the learned counsel for the informant that the co-accused Mamta Yadav has named this petitioner who along with other co-accused persons who fired upon the deceased killing them on spot and also hurled bombs along with co-accused persons. This petitioner is having a long criminal history and is accused in 9 cases of very serious nature. Learned counsel further submits that bail petition of Suresh Yadav was rejected vide order dated 04.12.2019 passed in Cr. Misc. No. 47703 of 2019, Surendra Paswan was rejected vide order dated 11.06.2020 passed in Cr. Misc. No.4119 of 2020 and co-accused Mamta Yadav was refused bail vide order date 15.12.2020 passed in Cr. Misc. No. 60007 of 2019 though he was subsequently granted bail.

Having regard to the submissions made hereinabove and considering the fact that the eye witness driver of the vehicle under attack named this petitioner and attributed



specific overt act to him, which is quite grave and serious, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of six months since it is an old matter and has been lingering for such a long time.

(Arun Kumar Jha, J)

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