

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9552 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- RAJAPAKAR District- Vaishali

RAKESH KUMAR, Son of Mantan Pandey, Resident of Village- Ahiyayi,
P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 15525 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- RAJAPAKAR District- Vaishali

MANTAN PANDEY, Son of Late Sakaldev Pandey, Resident of Village -
Ahiyayi, P.S.- Rajapakar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 20368 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- RAJAPAKAR District- Vaishali

RINTU PANDEY, Son of Mantan Pandey, Resident of Village - Ahiyayi, P.S.
- Rajapakar, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 9552 of 2022)
For the Petitioner : Mr.Vinay Ranjan, Advocate
For the State : Mr.Madan Kumar, APP
For the Informant : Mr.Ramesh Kumar Chaudhary, Advocate
(In CRIMINAL MISCELLANEOUS No. 15525 of 2022)
For the Petitioner : Mr.Vinay Ranjan, Advocate
For the State : Mr.Umanath Mishra, APP
For the Informant : Mr.Ramesh Kumar Chaudhary, Advocate
(In CRIMINAL MISCELLANEOUS No. 20368 of 2022)
For the Petitioner/s : Mr.Vinay Ranjan
For the State : Mr.Amit Kumar Rakesh, APP



For the Informant : Mr.Ramesh Kumar Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 16-01-2023 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned APPs for the State.

These three bail applications are arising out of the same P.S. i.e. Rajapakar P. S. Case No. 155 of 2021, and as such they are being disposed of by this common order.

The petitioners seek bail in connection with Rajapakar P.S. Case No. 155 of 2021 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the informant's son was carrying the recently cut Palm tree when the petitioners have accosted him and fired upon him indiscriminately. The injured succumbed to the injuries whereafter the Police arrived and postmortem was conducted. The FIR has been lodged after cremation of the deceased, as per the informant.

Learned counsel for the petitioners submits that the manner in which the FIR has been lodged is clear indication of falsity of the allegation. It is only after the informant has ascertained the cause of death by three gun shot injuries on 13.06.2021, that FIR has been lodged the next day on 14.06.2021 implicating the petitioners. It is submitted that the deceased himself was having at least four cases against him, which has come in the investigation, and in fact the murder of the deceased has been committed by someone else and the petitioners have been falsely implicated one day after the occurrence. The petitioners have surrendered in the Court below on 24.08.2021



and since then they are in custody in connection with this case. The petitioners also have three cases each pending against them, as per disclosure made in paragraph 3 of their bail petitions.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail. It is submitted that the petitioners are specifically named as the persons who fired upon the deceased. Learned APP for the State has further submitted that the manner in which the fire arm injuries have been alleged is duly corroborated by the postmortem report.

Considering the rival submissions, antecedents of the petitioners, manner of killing and the period of custody, for the present, this Court is not inclined to allow the petitioners' prayer for bail.

Prayer for bail of the petitioners is rejected.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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