

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26029 of 2023

Arising Out of PS. Case No.-72 Year-2020 Thana- PASRAHA District- Khagaria

RAVINDRA DAS @ RAVINDRA KUMAR @ RAVI DAS Son of Late
Pheku Das R/V- Kolwara, PS- MARAIYA (Parbatta) Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Akash Raj, Adv. Mr. Arun Bharti, Adv.
For the Opposite Party/s :		Mr. Anand Kishore Choudhary, APP
For the informant	:	Mr. Pankaj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2023 Heard Mr. Y.C. Verma, learned senior counsel for the

petitioner and learned counsel for the informant as well as

learned A.P.P. for the State.

The petitioner seeks bail in connection with Pasraha
P.S. Case No. 72 of 2020 registered for the offence under Sections
302 and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

The petitioner and one another co-accused alleged to
have opened fire upon the husband of the informant as a result of
which he died.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the



F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that it is apparent from the F.I.R. itself that the occurrence took place in the background of appointment of Anganwadi Shahayika. He further submits that it is the co-accused, Indrapati Kumar who wanted to get her wife appointed on the post of Anganwadi Sahayika and he used to threat the deceased to restrain his sister-in-law from becoming Anganwadi Sahayika and the petitioner has never been interested with the appointment of Anganwadi Sahayika nor he has any dispute with the informant and the deceased in any manner. He further submits that the aforesaid fact has also deposed by the brother of the deceased. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.10.2022.

Learned counsel for the informant and learend A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of firing against the petitioner upon the husband of the deceased and the allegation as alleged in the F.I.R. is supported by the postmortem report. He further submits that the wife of the deceased who is informant in this case claims to be the eye witness of the alleged



occurrence and she has clearly stated that while she was picking up vegetable in her field, the petitioner and his associate came there armed with pistol and they fired upon her husband after some exchange of words with respect to withdrawal of candidature of her sister-in-law from the post of Angangwadi Sahayika as a result of which her husband died on the spot after receiving gunshot injury on his right side of temporal region. He further submits that the occurrence took place in the mid day light and the informant has categorically narrated the entire occurrence which is totally corroborated by the postmortem report, therefore, the petitioner may not be enlarged on bail.

Learned senior counsel further contended that if the informant claims to be the eye witness as to why she has not disclosed the name of the petitioner as a main assailant. According to her, one Indrapati Kumar came along with this petitioner armed with pistol and continuously fired upon her husband which shows that the co-accused, Indrapati Kumar has led the role of assailant and at best the petitioner could be said to of his association but he has not inflicted any injury to the deceased. Even if it could be presumed that the petitioner has also opened fired along with the co-accused, it could not be ascertained as to who has inflicted injury to the deceased resulted into his death, therefore, benefit of doubt may goes in favour of the petitioner as he was not in the litigating terms with



the deceased.

Considering the facts and circumstances of the case and the rival submission of the parties and also the nature of offence of murder of the deceased in day light even before the eyes of her wife who is informant of this case, this Court would find that even though name of this petitioner is being disclosed by the informant after the name of co-accused, the factum of death of a person is not denied and the presence of petitioner with arms on the place of occurrence is quite sufficient to prove the intention and the motive of commission of crime of murder that too was seen with the naked eyes of the wife of deceased, therefore, in totality of the case in hands, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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