

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31030 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- KAKO District- Jehanabad

Raj Kishore Prasad @ Saheb Lal Son Of Ramanand Prasad Resident Of
Village - Paigambarpur, P.S. - Kako, Distt. - Jehanabad.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Umesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-07-2023 Heard learned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Kako
P.S. Case No. 214 of 2022 registered for the offence under
Sections 341, 323, 326, 307, 427, 504, 506/34 of the Indian
Penal Code and Section 302 of the IPC.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 08.12.2022.

5. The allegation against the petitioner is to commit
murder of brother of informant alongwith other co-accused



persons by putting him on fire after pouring Petrol taking from his motorcycle, where occurrence is arises out of pending money disputes.

6. Learned counsel appearing on behalf of the petitioner submitted that apparently informant is not the eye-witness of the occurrence as per narration of the FIR, where entire allegation as available against this petitioner through narration of FIR is based upon hearsay input as received by informant. It is submitted that if the version of FIR be taken into consideration then certainly occurrence must be somewhere after 5:30 PM but if the version of eye-witness be taken into consideration as available in para-11 and 12 of the case diary, it appears about 4:00 PM, the time gap is not small which can be ignored and it is sufficient to raise a doubt *qua* whole occurrence as alleged through present FIR which rest on hearsay gathering. It is further submitted that co-accused having similar allegation, namely Ravi Ranjan Kumar was directed to release on bail after framing of charge by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 27803 of 2023 dated 07.06.2023. While travelling over argument, it is submitted that no certificate was obtained for the pen drive having statement of deceased, as required mandatory under Section 65 of the Indian



Evidence Act. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, and, as such, there is no chance of tampering with the evidence.

7. Learned APP, duly assisted by learned counsel Mr. Umesh Kumar, appearing on behalf of the informant while opposing the prayer of bail submitted that injured eye-witness specifically alleged this petitioner during the course of investigation and in this connection he pointed out para- 11, 12 and 13 of the case diary. It is also submitted that statement of injured/deceased was also recorded, while admitted in hospital, which is in nature of dying declaration, incriminating this petitioner specifically. It is also submitted that the burn injuries is of ante-mortem in nature. Learned App, while opposing the prayer of bail fairly conceded that co-accused, namely, Ravi Ranjan Kumar was directed to grant bail after framing of charge by the learned Trial Court itself through Cr. Misc. No. 27803 of 2023 dated 07.06.2023 but the case of this petitioner is of different footing as specific allegation of pouring Petrol and to throw burning match-stick is available against him.

8. Considering the facts and circumstances as mentioned above and by taking note of statement of injured eye-



witnesses who specifically alleged this petitioner to burn alive the brother of informant after pouring Petrol, accordingly, the prayer of bail of petitioner is rejected herewith for the present.

9. The learned Trial Court is directed to conclude the trial within nine months of this order by taking this matter on board on day to day basis.

10. Superintendent of Police, Jehanabad is directed to ensure the availability of charge-sheeted witnesses before the learned Trial Court as and when directed so as to conclude the trial within aforesaid period of nine months, as directed above.

11. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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