

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28507 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- SILAO District- Nalanda

RANJIT KUMAR @ GUDDU MUKHIYA S/o Late Badri Prasad R/o village-
Chandaura, Panchayat Patharaura, P.O.- Meyar, P.S.- Chhabilapur, District-
Nalanda Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

For the informant : Mr. Vijay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 24-01-2023 Heard Mr. Krishna Prasad Singh, learned Senior Counsel

for the petitioner and Mr. Mritunjay Kumar Nirala, learned APP for

the State as also Mr. Vijay Kumar, learned counsel for the

informant.

The petitioner apprehends his arrest in connection with
Silao P.S. Case No. 181 of 2021 instituted under Sections
302/120(B) of the Indian Penal Code and Section 27 of Arms Act.

There has been unfortunate killing in which the husband
of the informant namely, Shailendra Prasad @ Mano was gunned
down in Silao and the allegation is against the petitioner, his family
members as also associates.

Learned Senior Counsel submits that a bare perusal of
the FIR would show that the alleged occurrence took place on
19.11.2021 at 2.00 PM. Subsequently, the injured was taken to the
hospital where he died and as per the inquest report, the brother of



the deceased namely Mahesh Prasad was present there which has been recorded at 6.45 PM.

Subsequently, the mortal remains of Shailendra Prasad was consigned to flames and whereafter on 20.11.2021, the FIR was lodged at 2.15 PM.

Learned Senior Counsel submits that the timing clearly shows that they waited for 24 hours and accordingly, chose to carefully implicate each and every member of the petitioner's side mainly because his wife, Rekha Devi has been elected 'Mukhiya' of Pathraura Panchayat.

His further submission is that the lady-informant claims that her husband went to Silao. A bare perusal of it would show as if she was accompanying/present at the place of occurrence and as such, she has named each and every accused, this in the background of delay of 24 hours, makes it clear that the purpose was not to go into the root of the alleged killing but to implicate the family members of the petitioner.

It is his next submission that subsequently, one Chunchun Kumar came forward and confessed that he was part of the said killing and he was doing the same on the instruction of the petitioner as also his wife.

On the last occasion, the coordinate bench of this court



on 22.12.2022 had directed the Investigating Officer to provide details on the steps taken/investigation that took place pursuant to the confession of Chunchun Kumar.

A counter affidavit has been filed on behalf of the State and Mr. Mritunjay Kumar Nirala has taken this court to para-7 to show that C.D.R. location of the present petitioner has been found at the place of occurrence showing his implication.

Learned counsel for the informant on the other hand has brought on record an order of a coordinate bench of this Court in Cr. Misc. No. 22295 of 2022 dated 5.9.2022 to show that some of the named accused in the FIR have since been denied the bail.

Let the same be kept on record.

Be that as it may, presently the petitioner has moved for anticipatory bail, his name has come in the FIR as also in the confession of Chunchun Kumar, from para-3, it shows that he has criminal antecedent and in that background, it would not be appropriate to extend him the privilege of anticipatory bail.

However, this Court must record the fact that there is lacuna in this case from the time, the alleged killing took place inasmuch as it took 24 hours for the informant side to lodge an FIR. Further, the role of the Investigating Officer is also suspicious inasmuch as despite the specific direction by the coordinate bench



to bring on record the way, the matter was investigated after the confession of Chunchun Kumar, he has not brought anything on record and even in counter affidavit, only relies on the confession of Chunchun Kumar.

The anticipatory bail petition stands rejected.

If the petitioner surrenders before the concerned court and prays for bail, the learned court shall take into account the factors as also the documents/submissions put forward by him and would decide the case on its own merit without being prejudiced by any observation made herein expeditiously.

In view of the fact that the coordinate bench on 22.12.2022 had given protection to the petitioner, the same will continue till a decision is taken by the concerned court. This interim protection is extended subject to the fact that he will surrender within four weeks from today and seek bail.

Further appearance of the S.H.O., Silao, stands dispensed with.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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