

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29902 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Rohan Kumar Son Of Kanhai Prasad @ Kanhaiya Prasad Resident Of
Kachauri Gali Dira Par, Ps- Chowk District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for bail in a case instituted for the offence under Sections 302, 201/34 of the Indian Penal Code, Section 27, 25(1-b)a, 26 and 35 of the Arms Act.

3. As per allegation in the FIR, informant's son is doing job at a cosmetic shop and two days prior to the commission of murder, four accused persons including the petitioner demanded money and threatened him of dire consequences. It is further alleged that after meal his son was going to shop, all four accused surrounded him and Chintu Kumar provided mazazine to the petitioner and he



shot fire below neck and he fell down. Md. Sartaz has seen the incident and informed the informant then he brought his son to hospital where doctor declared him brought dead.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this. Informant is not the eye witness. After arrest of the petitioner and other co-accused persons their confessional statement has forcefully recorded by the police, showing recovery of pistol. Petitioner is languishing in judicial custody since 22.4.2022.

5. The application for bail is opposed by learned APP for the State and submitted that petitioner is named in the FIR as main accused and direct allegation of opening fire is against him. During investigation in para 40, 41 and 42 of the case diary several witnesses have supported the prosecution case and stated that the petitioner had opened fire as a result of which informant's son succumbed to gunshot injuries. In para 93, postmortem report shows that cause of death due to gun-shot injuries.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not



inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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