

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42438 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Keshav Kumar Jha S/O Sri Lalit Jha Resident of Marwari Dharamshala, P.S.-
Naugachia, District- Bhagalpur, Permanent Address at Bhagwa, P.S.- Simri,
Bkhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 24-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with K. Hat
P.S. Case No. 19 of 2022 registered for the offences punishable
under Sections 302 and 120B of the Indian Penal Code and
Section 27 of Arms Act.

As per the prosecution, the informant's son was shot
dead by two bike riding accused persons namely Aashish Singh
@ Athia and Shyamal Singh when the victim (deceased) was
returning to his home, owing to which the victim succumbed to
his injuries.

The main submissions advanced by petitioner's
counsel are that the petitioner is not named in the FIR and



against him there are criminal antecedents of three cases, in which he has got bail in two cases and he is a priest of a local temple and he has been languishing in jail since 23.01.2022 and as per the prosecution, the motorcycle which was used in alleged crime has been recovered from the possession of this petitioner but in the FIR, there is no description of the alleged motorcycle and the prosecution has not given any cogent evidence to show the connection between the recovered motorcycle and the alleged crime and the petitioner has been falsely roped in this case without any legal evidence.

Learned APP appearing for the State has opposed the bail prayer and submitted that as per the petitioner's mobile location, he was near the place of occurrence and he along with other co-accused persons were also seen at the alleged place of occurrence and in this regard, footage of CCTV cameras installed near the place of occurrence were examined and printouts of some footage are available in the case diary.

Heard both the sides and perused the FIR and case diary of this case. The instant matter relates to murder of the informant's son committed by co-accused Shyamal Singh by causing fire-arm injury to the deceased and during investigation, the name of this petitioner surfaced and as per the prosecution,



the alleged motorcycle used in the alleged crime was recovered in following with the disclosure made by this petitioner and as per the above submission made by learned APP, the petitioner was seen near the place of occurrence in the CCTV footage and the petitioner has criminal antecedents of three cases. Considering all these facts, in my opinion it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

The petitioner may renew his bail prayer after one year if any significant progress is not made in his trial in the said period.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

