

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48757 of 2023

Arising Out of PS. Case No.-67 Year-2021 Thana- BENIPATTI District- Madhubani

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Naveen Jha @ Naveen Kumar Jha Son Of Ghanshyam Jha Resident Of
Village- Gaiwipur, Ps -Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakand Sharma, Sr. Adv
		Mr.Rakesh Kumar Sharma
For the Opposite Party/s :		Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Benipatti P.S. Case No. 67 of 2021 instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, on 29.3.2021 at about 1:00 P.M., the informant heard sound of firing from northern direction of the house of Rudra Narayan Das. The informant reached there and saw all FIR named accused persons including the petitioner assaulted informant's side members by means of several weapons. In the alleged occurrence, five persons of



informant's side were killed by the accused persons. This petitioner is specifically alleged to have shot fire upon one Rana Pratap Singh and Rudra Narayan Das as a result of which they sustained injuries and thereafter they died. From place of occurrence, police have seized fired bullets, iron rod and other articles. The alleged occurrence took place in the background of previous enmity.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. From perusal of the allegation as alleged in the FIR, it would manifest that the allegations are inherently improbable and patently absurd as the informant in the FIR alleges that on hearing sound of firing, he ran about 100-150 meter and thereafter he saw the occurrence. It is precisely not possible for any person to be so specific in remembering that which accused was carrying which weapon when his own family members are being assaulted and that too in such a brutal manner. There is a delay of more than seven hours and thirty minutes for lodging the FIR for which no explanation was given. It is further submitted that the petitioner is languishing in judicial custody since 26.11.2022.

5. Learned APP appearing for the state has opposed



the prayer of regular bail and submitted that the petitioner along with others are specifically alleged to have made indiscriminate fire with their pistols at deceased Rana Pratap Singh. The postmortem report of the deceased Rana Pratap Singh annexed with the case diary supports the prosecution case and the same suggests that deceased had received four injuries out of which two injuries are firearm injuries. One deceased namely, Rudra Narayan Das has also been killed in the alleged incident and the petitioner along with three others are also alleged to have assaulted and fired upon him. The postmortem report of Rudra Narayan Das also corroborates the prosecution case in which bullet inlet injury as well as multiple abraded lesion and stitch wound are mentioned. The offence is heinous in nature in which five persons are said to have murdered and the petitioner is specifically involved in murder of two deceased persons. The statement of Sonu Chaudhary was recorded which is at para 91 of the case diary wherein he has named the petitioner in commission of occurrence. One independent witness whose statement is at para-336 of the case diary wherein, he also supports the prosecution and specifically named the petitioner in commission of the offence. It is further submitted that the bail petitions of the other six co-accused persons have already been



rejected by this Court on order dt. 11.4.2023.

6. Having heard the learned counsel for the parties and considering the specific allegation against the petitioner and the offence is heinous nature, 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 the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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