

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69446 of 2022**

Arising Out of PS. Case No.-338 Year-2022 Thana- DEHRI TOWN District- Rohtas

RAKESH KUMAR GUPTA @ NANHAK, aged about 27 years old, Male,  
Son Of Late Alok Gupta R/O Village- Mathuri, Ward No.04, P.S.- Dalmiya  
Nagar (op), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                           |
|--------------------------|---|-----------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Krishna Pd. Singh, Sr. Advocate<br>Mr. Shailendra Kumar Choubey, Advocate<br>Mr. Arvind Jha, Advocate |
| For the Opposite Party/s | : | Mr. Murli Dhar, App                                                                                       |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

- 5      15-05-2023                      1. Heard learned senior counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Dehri (Town) P.S. Case No. 338 of 2022 dated 18.05.2022 registered for the offence(s) punishable under Section(s) 302 of the Indian Penal Code and Section 27 of the Arms Act.
3. As per the prosecution, the informant's brother was shot dead by some unknown criminals.
4. The main submissions advanced by the learned senior counsel for the petitioner are that in the present matter FIR was registered against unknown persons and during investigation several days after the commission of the alleged



occurrence, four persons showed up claiming themselves to be eye-witnesses of the alleged occurrence but their statements are completely unreliable and they remained silent after the commission of the alleged occurrence for a considerable period which also casts a serious doubt upon them and moreover the allegation, appearing against this petitioner from the statements of the said witnesses, does not get corroboration from the postmortem report of the deceased as according to the said witnesses this petitioner caused firearm injury at the chest of the victim while as per postmortem report, at the left side back of chest, a wound of entry on the body of the deceased was found and petitioner has been falsely roped in this case and there is no direct or indirect evidence against him and he has been languishing in jail since 24.05.2022.

5. Learned APP appearing for the State opposes the bail prayer.

6. Heard both the sides and perused the FIR, order impugned and the case diary. Though the FIR was registered against unknown persons but during investigation, some witnesses whose statements are mentioned at paragraph nos.44 to 47 of the case diary claimed to have seen the alleged occurrence and according to them on account of some dispute



during gambling, the petitioner fired at the chest of the victim which resulted in his death and as per the postmortem report, the victim sustained firearm injury on his chest and after the arrest, in following with the disclosure statement, the police searched the place of occurrence from where a used cartridge was recovered. Considering all these facts and mainly the seriousness of allegation appearing against this petitioner, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

7.As according to the petitioner's counsel, the trial of the petitioner is at advance stage and out of 14 prosecution witnesses, 10 have been examined, hence, the trial Court is directed to expedite the trial of this petitioner and take steps to conclude the same in the next six months.

**(Shailendra Singh, J)**

Sanjay/-

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