

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15878 of 2024

Arising Out of PS. Case No.-165 Year-2023 Thana- RAHUI District- Nalanda

Monu Kumar S/o Late Satish Chandra Verma Resident of Village- Jagdishpur,
P.S. and District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Adv.

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Rahui
(Bena) P.S. Case No. 165 of 2023 instituted for the offences
under Sections 341, 323, 307, 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the prosecution story, there was dispute
because of land and the grand-sons were always pressuring Ram
Raksha Choudhary to part with the said land. On the fateful day,
allegation is that they came to the house, assaulted both the
grand-father and grand-mother, forcing them to execute the sale-
deed and when he refused, the allegation is that Monu Kumar
(the petitioner) and Vikash Kumar opened fire on the grand-



father/Ramraksha Choudhary due to which he fell down. When the daughter Sulekha Kumari rushed to caught hold of them, the co-accused/Gunjan Kumar opened fire which however went out touching her head. Thereafter, all the five accused persons fled away on two motorcycles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is a subsisting land dispute between the parties due to which the petitioner has been dragged in this case. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 01.11.2023. Learned counsel for the petitioner further submits that the co-accused Munna Kumar @ Munnu Prasad has been granted bail by this Court vide order dated 04.12.2023 passed in Cr. Misc. No. 76522 of 2023.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner is named in the F.I.R. and there is a specific and direct allegation of gun-shot firing against the petitioner upon his grand-father due to which he died. He



further submits several witnesses have fully supported the alleged occurrence. The postmortem report also supports the prosecution case. The allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the nature of offence which is grievous and serious, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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