

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23665 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- MIRGANJ District- Gopalganj

Mohit Kumar, age about 24 years, Male Son of Manjit Ram @ Manjeet Kumar Ram, Resident of Village- Madho Matihani, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mirganj P.S. Case No. 302 of 2023 instituted for the offences punishable under Sections 302 and 120-b/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, three unknown persons on one red-black TVS Star motorcycle have dashed to the motorcycle of the informant's son and committed murder by gun shot injury on his head, thereafter he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case on the basis of suspicion.



Nothing incriminating material has been recovered from the possession of the petitioner. Petitioner has not named in the FIR. Neither the informant is an eye witness of the incident nor any independent witness has been supported the occurrence. The name of the petitioner has been surfaced only on the basis of confessional statement of co-accused namely Lakhan Singh. The prosecution story is false and concocted and there is not specific allegation against the petitioner. Petitioner is in custody since 09.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR and also perused the impugned order dated 19.02.2024 passed by the learned Sessions Judge, Gopalganj, it appears that on the basis of written application of informant namely Madhumala Soni, Mirganj P.S. Case No. 302 of 2023 has been lodged on 06.08.2023 against three unknown persons under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act for the alleged murder of the informant's son by gun shot. From perusal of the case diary at para nos. 7, 8, 9, 10, 11, 16, 17 and 20, it appears that informant and witnesses have supported the case of the prosecution alleged in the FIR. In para 2 of the case diary, inquest report is mentioned the cause of death has



been mentioned to be gun shot injury. From perusal of records, it also appears that the co-accused Prince Kumar and Lakhan Singh in their confessional statements have fully supported the case of prosecution for active participation of the petitioner along with their other associates in the alleged crime. In para 53 of the case diary, the postmortem report of the deceased reveals that the cause of death has been opined by the doctor is shock and haemorrhage due to gun shot injury. Chargesheet has already been submitted in this case. In para 65 of the case diary, which shows that during investigation, involvement of the petitioner in this case has been found to be true. During investigation, the Investigating Officer has recorded the statement under Section 161 of the Cr.P.C. given under Para nos. 16 and 17 of the case diary and found that the eye witnesses of the occurrence have seen the petitioner.

7. Considering the above enumerated facts and circumstances of the case, specially the fact that there is prima facie sufficient material about the complicity of this petitioner in commission of murder of the informant's son and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner.

8. The prayer for regular bail of the petitioner is



hereby rejected.

9. The learned trial Court is directed to conclude the trial preferably within a period of one year from the date of receipt of this order. If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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