

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34632 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- GARKHA District- Saran

Rajesh Kushwaha @ Rajesh Kumar Singh @ Rajesh Singh, Son of
Vishwanath Mahto Resident of Village - Maiki, Udhantola, P.S. - Garkha,
District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 23-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Garkha P.S. Case No. 114 of 2023 dated 03.03.2023, registered
for the offences punishable under Sections 399, 402, 324, 307,
337, 353 read with section 34 of the Indian Penal Code and
Sections 25(1B)(a), 26, 27 and 35 of the Arms Act.

3. As per the prosecution, the informant proceeded
on 02.03.2023 at about 10:45 P.M., with his team to the house of
Rajesh Kushwaha (petitioner) where other accused persons had
gathered to plan and prepare to commit a dacoity. At about
11:45 P.M., when the said house was surrounded, firing started
as a result of which DIU constable, Vikash Kumar, was hit in



the chest, thereafter taking advantage of the chaos caused by firing, the accused persons fled away but one accused, Ravindra Mahto, was apprehended who later on revealed the name of the petitioner and other accused persons.

4. Mr. Udai Shankar Singh, learned counsel appearing for the petitioner submits that though against the petitioner there are criminal antecedents of seven cases but he is on bail in all the said cases, one co-accused namely, Upendra Mahto, who is said to be the brother of this petitioner has been granted regular bail by this court and the petitioner has been languishing in jail since 12.12.2023. It is further submitted that as per prosecution story one police personnel sustained firearm injury in the alleged occurrence but as per the medical opinion only gun shot injury was suspected by the Doctor to the said injured. It is further submitted that two other co-accused namely, Golu Kumar and Amarjit Kumar have also been granted regular bail by this court and co-ordinate bench of this court vide orders dated 03.08.2023 and 11.09.2023 passed in Cr. Misc. No. 48184 of 2023 and 45608 of 2023 respectively.

5. Mr. Choubey Jawahar, learned APP appearing for the State has opposed the bail prayer of the petitioner.

6. Having considered the seriousness of the allegation



appearing against this petitioner which relates to the preparation of the dacoity as well as opening fire at the police party in which one police personnel sustained firearm injury as per prosecution's allegation and as per the FIR the place of occurrence is said to be the house of this petitioner and on this aspect as well as in view of petitioner's long criminal history his case is not identical to the other co-accused persons who are on bail, in my opinion, it is not a fit case for privilege of bail to the petitioner at this stage. Accordingly his prayer stands rejected.

(Shailendra Singh, J)

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