

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32007 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- SURYAPURA District- Rohtas

Ajeet Kumar S/O Ashok Singh VILLAGE JAANTOLA, P.S. PIRO,
DISTRICT BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Pd.Singh, Senior Advocate Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s :	Mr. Pramod Kumar Pandey, APP Mr. F.A.Ahmad, Md.T.Azhar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-12-2024 Heard learned counsel for the petitioner, the State and the informant.

2.The petitioner seeks regular bail in connection with Suryapura P.S. Case No. 246 of 2023 instituted for the offences under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, at about 10 am informant got information that her husband was shot dead by three unknown miscreants. Thereafter, informant reached the place of occurrence and found the dead body of her husband lying on the ground with gun shot injuries. She got information by people that all the three miscreants were caught by the crowd and out of three, two were killed by the crowd, whereas remaining one, i.e., the petitioner was sent to hospital in injured condition for treatment.

4. Learned counsel appearing for the petitioner submits that save and except petitioner's confessional statement, there is no other direct or indirect evidence against the petitioner



to show his complicity in the occurrence. Besides this, the manner of occurrence, as alleged in the FIR, has never taken place, rather police is trying to tag two separate incidents into one. As a matter of fact, on 15.11.2023 deceased was killed by unknown miscreants for which police entered Sanha No. 431 of 2023 and on the same day petitioner and his two associates entered in verbal fight with villagers of Gaushaladih which resulted in free fight for which police registered a separate case. F.I.R. has been lodged after delay of 2 days without any explanation which renders the entire prosecution case doubtful especially when informant reached the place of occurrence on the same day and police seized cartridges from the spot on the same day. Petitioner is in custody since 19.11.2023.

5. Learned counsel for the State and the informant oppose the prayer for bail. They submit that from perusal of the FIR itself, it is evident that petitioner and his two associates shot dead informant’s husband and it was people present on the place who caught them and in the hit of moment, two of them were killed by crowd, whereas petitioner was hospitalized in injured condition due to police intervention. Petitioner bears criminal antecedent of seven criminal cases.

6. Considering the nature and gravity of allegation and the criminal antecedent of the petitioner, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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