

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46078 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- KHUSRUPUR District- Patna

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Dhananjay Singh @ Dhananjay Prasad Son of Sri Shlok Singh R/o Vill.-
Malpur, P.S.- Khusrupur, District- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

For the Informant : Mrs. Archana Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 13-12-2024 Heard the parties.

2. The petitioner seeks bail in connection with Khusrupur P.S. Case No. 16 of 2023 registered for the offence under Section 302 / 34 of IPC and Section 27 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody since 25.08.2023.

4. The allegation against the petitioner is to commit murder of son of the informant alongwith other co-accused persons by using firearm, whereas the occurrence arises out of old enmities due to local dispute and differences.

5. Learned counsel appearing on behalf of the petitioner submitted that the claim of the informant being an eye-witness of the occurrence appears doubtful as the occurrence is of 9 PM, where the source of light not appears disclosed, while authoring the FIR being the eye-witness of the



occurrence. It is submitted that one co-accused, namely, Ranjay Kumar confessed during investigations and out of his confession, one pistol was recovered which was confessed to be used in the crime. It is submitted that save and except said pistol no firearm was recovered, and therefore, the version of the informant that fatal firearm injury was caused by using riffle, appears to be false on its face as the recovery was of pistol. It is submitted that indiscriminate firing was made during the occurrence, as even FIR speaks that about fifty rounds firing was made during the occurrence but no empty cartridge appears to be recovered, making a further doubt qua occurrence as alleged through FIR.

6. It is further submitted by learned counsel that the petitioner is in custody 25.08.2023 i.e. more than a year and even not a single prosecution witness was examined and certainly for want of trial the petitioner cannot be kept behind bar for indefinite period in violation of his fundamental right as available to him through Article 21 of the Constitution of India.

7. Learned APP opposes the prayer of bail.

8. Mrs. Archana Sinha, learned counsel appearing for the informant submitted while opposing the prayer for bail that the allegations against the petitioner is specific as to fire on the



head of the deceased, who was non else but the son of the informant. It is submitted that the informant was also eye-witness of the fact when this petitioner was targeting the deceased against his rifle soon before the firing. It is pointed out that the cause of death as opined through post mortem report of the deceased appears to be corroborated as same was opined to be caused by fire arms. It is submitted by learned counsel appearing for the informant that several fire arms were used during the occurrence and even the co-accused Ranjay Kumar did not disclose through his confession that it was the same fire arm which was used to cause fatal fire arm injury causing death of the son of the informant and as such submission as raised above by learned counsel for the petitioner appears non-convincing.

9. In view of aforesaid factual submissions and by taking note of fact as the allegation against petitioner is specific qua fatal fire arm injury, which caused death of the son of the informant, where the informant of this case appears *prima facie* an eye witness of the occurrence, the prayer of bail of petitioner is rejected herewith for the present.

10. However, considering the custody period, learned trial Court is directed to conclude the trial preferably within 9



months and even for that purpose if occasion arises, matter be taken on Board on day to day basis.

11. The Senior Superintendent of Police, Patna is directed to produce the witnesses before the learned trial Court as and when directed, so as to conclude the trial preferably within aforesaid time period, as directed.

(Chandra Shekhar Jha, J)

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