

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47647 of 2024

Arising Out of PS. Case No.-382 Year-2023 Thana- RANIYATALAB District- Patna

Ajay Kumar @ Sarpanch son of Bihari Yadav @ Lal Bihari Yadav R/o- Berar
Tola,P.S. Ranitalab, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 52922 of 2024

Arising Out of PS. Case No.-382 Year-2023 Thana- RANIYATALAB District- Patna

Abhishek Kumar S/O Anil Kumar R/O Village-Lodipur,P.S.-Chondi, Distt-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 47647 of 2024)
For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP
For the Informant : Mr. Sanjay Singh, Sr. Advocate
: Mr. Shambhu Narayan Singh, Advocate
: Mr. Suraj Kumar Tiwari, Advocate
: Mr. Abhishek Kumar, Advocate
(In CRIMINAL MISCELLANEOUS No. 52922 of 2024)
For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
: Mr. Hansraj, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP
For the Informant : Mr. Sanjay Singh, Sr. Advocate
: Mr. Shambhu Narayan Singh, Advocate
: Mr. Suraj Kumar Tiwari, Advocate
: Mr. Abhishek Kumar, Advocate

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

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners, learned

APP for the State and learned counsel for the informant.



2. The petitioners seek bail in connection with Sessions Trial No. 415 of 2024 arising out of Ranitalab P.S. Case No. 382 of 2023 instituted for the offences under Sections 302, 120B, 34 of the Indian Penal Code and 25(1-b)a, 27 of the Arms Act.

3. Prosecution story, in short, is that, petitioners along with other co-accused persons in furtherance of their common intention committed murder of the husband of the informant.

4. Learned counsel for the petitioner, Mr. Patanjali Rishi, in Cr. Misc. No. 47647 of 2024 submitted that petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that although there is specific allegation of firing against the petitioner in the FIR, the eye-witness to the alleged occurrence, namely Ganauri @ Anil Kumar in his statement recorded under Section 161 of the Cr.P.C. has stated that co-accused Abhishek Kumar (petitioner in Cr. Misc. No. 52922 of 2024) fired upon the deceased. Learned counsel further submitted that it has come to light during investigation that Abhishek Kumar was having enmical terms with the deceased regarding the sand mining, and therefore, he committed the murder of the deceased. Learned



counsel further contended that informant is not the eye-witness to the occurrence and she has not even disclosed the source of her information regarding the alleged occurrence. Learned counsel further contended that in the entire investigation, no evidence or material has surfaced against this petitioner, and therefore, submitted that the allegations levelled in the FIR are purely based on suspicion. Learned counsel further submitted that petitioner is in custody since 07.11.2023 and has three criminal antecedents. Learned counsel, therefore, prays that the petitioner may be released on bail.

5. Learned senior counsel, Mr. Rama Kant Sharma, appearing for the petitioner in Cr. Misc. No. 52922 of 2024 submitted that petitioner is innocent and not even named in the FIR. The name of the petitioner transpired in this case on the basis of suspicion and his confessional statement was recorded before the police, which has no evidentiary value in the eye of law. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that there is no material against this petitioner. Learned counsel further submitted that petitioner is in custody since 20.12.2023 and has fourteen criminal antecedents. Learned counsel therefore, prays that petitioner may be released



on bail.

6. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners. Learned counsel for the informant submitted that there is specific allegation of firing upon the deceased against petitioner namely, Ajay Kumar @ Sarpanch. Learned counsel for the informant further submitted that during investigation, accused-petitioner, namely, Abhishek Kumar has also confessed his guilt. Learned counsel for the informant further contended that the petitioner namely Abhishek Kumar was also identified in the T.I. parade.

7. Pursuant to the submission made by the learned counsel for the informant regarding the identification of petitioner, Abhishek Kumar, in T.I. parade, learned senior counsel, Mr. Rama Kant Sharma, contended that the same was conducted after a long delay of three months and, therefore, the same cannot be relied upon. On the other hand, learned counsel, Mr. Patanjali Rishi, submitted that even though the T.I. parade was conducted after a long delay of three months, the petitioner (i.e. Ajay Kumar @ Sarpanch) was not identified.

8. Learned counsel for the informant further submitted that the accused persons fired indiscriminately upon the



deceased as alleged in the FIR, and as a result, deceased died on the spot. Learned counsel for the informant further submitted that the allegation as alleged in the FIR is also supported by the post-mortem report of the deceased as several entry wounds of bullets have been reported. Learned APP for the State as well as learned counsel for the informant jointly submitted that there is ample material available on record against these petitioners in support of the allegation as levelled in the FIR, therefore, they jointly pray that the petitioners do not deserve to be released on bail.

9. Having considered the rival submissions made on behalf of the parties and material available on record, there is specific and direct allegation against the petitioner namely, Ajay Kumar @ Sarpanch and ample material available on record against both these petitioners regarding their involvement in the commission of murder of the deceased, therefore, this Court is not inclined to grant bail to both the petitioners.

10. The prayer for grant of bail of petitioners in both the cases are, hereby, rejected.

11. Learned trial Court is directed to expedite the trial without any undue delay and unnecessary adjournments. District Magistrate, Patna and Superintendent of Police, Patna are also



directed to produce witnesses as when required by the learned trial Court.

12. However, if the trial is not concluded within a period of nine months from today, liberty is granted to the petitioners in both the cases to renew their prayer for bail.

13. Let a copy of this order be communicated to District Magistrate, Patna and Superintendent of Police, Patna.

(Rudra Prakash Mishra, J)

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