

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54672 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- KOILWAR District- Bhojpur

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1. Gulshan Kumar, (Male), aged about 22 years, Son of Rakesh Ray @ Rakesh Yadav, R/V- Vilalge- Mahadeochak Semariya, P.S.- Koilwar, Distt.- Bhojpur.
 2. Umakant Kumar @ Umakant Yadav @ Saurabh Yadav, (Male), aged about 26 years, Son of Binod Yadav, R/V- Village- Narayanpur, P.S.- Koilwar, Distt.- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : M/S. Wasi Mohammad and Ranjay Kumar Singh,
Advocates.
For the Opposite Party : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Koilwar P.S. Case No. 210 of 2024 dated 02.05.2024 registered for the offences punishable under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 01.05.2024 at 3.30 P.M., the son of the informant, Vikash Mahto and his some villagers went to *Gadhैया Sand Mines* to work there where



firing took place due to establish supremacy on mining of sand in which some persons got injured by bullets. The informant went there and found his son and Sudarshan Rai got injured by bullets in the said firing and died during their treatment. It is further alleged that the informant and Tulsi Rai the father of Sudarshan Rai went to hospital and found that the bullets hit 3-4 places on the bodies of the deceased. They also came to know that at *Kamaluchak Gadhaiya Balu Ghat*, the incident of firing took place between the group of Satyendra Pandey, his son Niraj Pandey and Guddu Rai and in said incident, the informant's son Vikash Mahto and Sudarshan Rai died due to injuries of bullet and one Purnmashi Ram, the villager of the informant also sustained injuries of firearms in the said incident.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case, in order to save the skin of the real culprits. It is submitted that the petitioners are not named in the F.I.R. and their names have surfaced in the present case on the basis of a police spy and on their confessional statement in another case bearing Koilwar P.S. Case No. 215 of 2024. It is further submitted that the F.I.R. has been lodged on 02.05.2024 in which the petitioners are not named in the F.I.R. and on



03.05.2024, police spy for the first time disclosed their names and involvement in the present case and on the same day, Koilwar P.S. Case No. 215 of 2024 has been lodged against the petitioners under the Arms Act., and interestingly, the petitioner no. 1 confessed before the police with respect to his involvement in the present case. The entire sequence of events itself speaks volume regarding the high handiness of the police in faslely implicating the petitioners in the present case which has got no evidentiary value in the eye of law. The petitioners have no concern with the alleged offence rather they are students, poor and simple villagers. There is no eye witness to the alleged offence. The petitioners have one criminal antecedent in which they are on bail as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 29.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and submitted that it has been mentioned in paragraph no. 81 of the case diary that from perused of SDR, it appears that the Mobile No. 7070386110 has been issued in the name of Gulshan Kumar (petitioner no. 1) on 26.09.2023 and from further perusal of CDR of that mobile number, it appears that on 01.05.2024 at



18:43:50 this mobile was switched off and at that time the tower location of the said mobile was in Gram-Narayanpur and this is location of this incident. On 02.05.2024 at 4.35 P.M. this mobile was opened and at that time the tower location of the that mobile number was Gram-Madhapur, P.S.Maner, District-Patna and the petitioner no. 1 has confessed in his confession that he fled away towards Patna after the occurrence which was found correct from the mobile location. As per the para 61 of the case diary, the petitioner and the co-accused persons alongwith unknown miscreants, being members of the group of Satyendra Pandey holding illegal lethal weapons came to the said Ghat and started indiscriminate firing in the torch's light. The other group of Guddu Rai also started firing. They were seen in the light of Tractor by the witness. It is a case of double murder.

6. Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of the learned counsel for the State, this Court is not inclined to grant bail to the petitioners and the same is rejected in connection with Koilwar P.S. Case No. 210 of 2024, pending in the court of learned Chief Judicial Magistrate, Bhojpur at Ara.

7. The application stands rejected.

8. The learned trial court is directed to conclude the



trial of the petitioners at the earliest.

(Chandra Prakash Singh, J)

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