

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68617 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- BAKHARI District- Begusarai

Raushan Kumar S/O Satyendra Mahato @ Natho Mahato R/O Village- Ward
No. 03, Chhoti Rani Sakarpura, Rani Shakarpura, Ps. Gangaur, Dist. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pritish Kumar Lal, Adv.
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Abhimanyu Deo, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

5 12-03-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Bakhri P.S. Case No. 162 of 2022 instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner along with other miscreants stopped the son of the Informant and others when they were returning home after attending the feast on the point of gun and, in due course, they fired in the air whereafter all started running and the petitioner/Raushan Kumar shot the son of the Informant



after catching him from point blank range on his head and due to which he fell down and died at the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that the occurrence took place at about 8 PM on 20.05.2022 and the postmortem was done at about 7 PM on 21.05.2022 but, the F.I.R. was lodged at 8.15 PM on 21.05.2022 after about twelve hours of the postmortem without there being a valid explanation for the same. He further submits that not a single independent witness has supported the case of the prosecution and those who have supported the prosecution case are either interested or family members of the Informant. The petitioner has four criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 07.07.2022. Learned counsel for the petitioner again submits that the co-accused persons namely Bablu Kumar Nitesh Kumar and Priyanshu Kumar have been granted bail by a Co-ordinate



Bench of this Court vide orders dated 05.04.2023 & 20.06.2023 passed in Cr. Misc. Nos. 71793 of 2022 & 2581 of 2023 respectively.

5. Learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner stating that there is specific and direct allegation against the petitioner of gun-shot firing upon the son of the Informant and the petitioner has four criminal antecedents.

6. In compliance to the earlier order of this Court, the learned court below has sent its report regarding stage of the case dated 31.01.2024, stating therein that the expected duration to conclude the trial is one and half years minimum.

7. Having heard rival contention of both the parties and taking into account there being specific and direct allegation against the petitioner which is serious in nature as also considering the status report of the court below, this Court is not inclined to grant bail to the petitioner for the present.

8. Accordingly, the prayer for bail of the petitioner,



above named, is rejected with a direction to the court below to expedite the trial and conclude the same without a period of one and half years from today. If the trial is not concluded within the aforesaid period of one and half years, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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