

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74566 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- BACHHWARA District- Begusarai

RAJ KISHORE KUMAR SON OF KAILASH JHA RESIDENT OF
VILLAGE- RANI 3, PS- BACHHWARA, DIST- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bachhwara P.S. Case no. 133 of 2023, registered under sections 302, 394 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that while he was going with his brother on a motorcycle, three accused persons on another motorcycle stopped them and resorted to indiscriminate firing which led to the death of his brother.

4. Learned counsel for the petitioner submits that the FIR was registered against unknown. The petitioner was falsely implicated in the case on the basis of confessional statement of the informant. It is submitted that in course of investigation, the



informant was implicated in the case on the ground that he was having an affair with wife of the deceased ie his *bhabhi* and had plotted with this petitioner to kill his brother. The said informant namely Shubham Kumar has been enlarged on bail vide order dated 1.11.2023 passed in Cr. Misc. no.69604 of 2023. The petitioner is in custody since 15.5.2023 and charge has been framed in the learned trial Court.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, the confessional statement of the petitioner leading to recovery of the firearm used in the occurrence and the petitioner being the assailant according to the confessional statement, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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