

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77212 of 2023

Arising Out of PS. Case No.-428 Year-2023 Thana- BODHGAYA District- Gaya

Rahul Kumar Son of Sri Madhusudan Saw @ Masudan Saw Resident of
village - Tilokhar, P.S.- Amhara, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Ms. Archana Sinha @ Archana Shahi, Advocate

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

ORAL ORDER

5 13-05-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant. Perused
the case diary.

2. The petitioner seeks bail in connection with
Bodhgaya P.S. Case No. 428 of 2023 instituted for the offence
under Sections 302 & 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. Prosecution case as emanated from the FIR is that
the petitioner has fired upon Sonu Kumar, a Traniee Constable
1945, from his SLR, whereafter Sonu Kumar was brought to
Medical College, where he was declared dead.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 22-05-2023. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that informant is not an eye witness of the occurrence and he allegedly stated that he received information through Trainee Constable, Manish Kumar that Sonu Kumar was killed by Rahul Kumar through SLR. It is next submitted that the SLR in question belongs to one Abhimanyu Kumar, Trainee Constable 478. It is also submitted that the SLR and magazine was recovered from the bed of Abhimanyu Kumar.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that there is specific allegation against the petitioner that he has fired upon Sonu Kumar by SLR. It is next submitted that during the course of investigation, trainee constables, Ranjeet Kumar & Manish Kumar supported the prosecution case, which fact finds mention in paragraph Nos. 8 & 9 of the case diary. Postmortem report corroborates the allegation levelled in the FIR, which would manifest from bare perusal of paragraph No. 41 of the case



diary. It is lastly submitted that charge is framed in this case and two witnesses have been examined

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation against the petitioner, nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for grant of bail to the petitioner is **rejected**.

9. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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