

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81511 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- RAGHOPUR District- Supaul

Rupesh Mehta @ Rupesh Kumar Son Of Rameshwar Mehta Resident Of
Village - Satan Patti, P.S. - Ratanpura, District - Supaul

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Raghapur P.S. Case No. 197 of 2023 instituted for the offence under Sections 307, 302, 394, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, when the informant along with his friend namely, Dilip Yadav was returning home by motorcycle, in the meantime, three miscreants intercepted them and put out their pistol and fired due to which both sustained gunshot injuries. The friend of the informant Dilip Yadav died on way to hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. The FIR was



lodged against unknown. During investigation, co-accused Amit Kumar was arrested and on the basis of his confessional statement, petitioner's name sprang up in the present case. It is also submitted that the petitioner is languishing in judicial custody since 25.5.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that and submitted that during investigation, the petitioner was arrested, who confessed to his guilt, which is mentioned in para 52 of the case diary. In his confessional statement, he stated that he along with co-accused Karan Kumar had opened fire upon the informant and his friend Dilip Yadav due to which Dilip Yadav succumbed to injury. It is also submitted that at the instance of the confessional statement of this petitioner, a country-made pistol, empty cartridge and a motorcycle were recovered from his house, which are said to have been used in the alleged crime. The postmortem report of the deceased corroborates the prosecution case in which cause of death is opined as CR Failure due to cardiogenic shock caused by firearm injuries. It is also submitted that witnesses of the case supported the prosecution version.

6. Having heard the learned counsel for the parties



and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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