

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5671 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- CHAKIA District- East Champaran

Rupesh Kumar @ Rupesh Singh Anirudh Singh Resident of Village Sagar
Churaman, P.S. Kotawa, District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manmohan Kumar, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP
For the Informant	:	Mr. Madhurendra Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

6 15-07-2024 Heard learned counsels appearing on behalf of the parties.

2. Petitioner seeks bail in a case registered for the offence punishable under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution story, petitioner along with other co-accused persons came on one Apache motorcycle and opened firing on the son of the informant due to which the son of the informant sustained gunshot injury.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute and dirty village politics. It has further been submitted that petitioner has no concern with the alleged offence and peti-



tioner has not made any confession before the police.

5. Learned APP for the State as well as the informant vehemently opposed the prayer for bail of the petitioner and stated that the petitioner is named in the FIR and there is direct allegation of involvement against the petitioner.

6. On perusal of the FIR, case diary, impugned order dated 03.11.2023 and postmortem report, it appears that there is specific allegation against the petitioner and other co-accused persons fired gunshots at the informant due to which deceased received gun shot injuries. The petitioner is named in the FIR along with other co-accused persons and the prosecution witnesses have also supported the case of prosecution. On perusal of the case diary, there is direct involvement of the petitioner. In para-76 of the case diary, postmortem report of deceased is mentioned where cause of death is mentioned due to vital injury on caused by fire arm. In para-18, 19, 23, 24, 25, 26 and 27 of the case diary witnesses examined during course of investigation under section 161 of the Cr.P.C. have corroborated the version of the FIR and chargesheet has already been submitted against the petitioner.

7. Considering the above allegation, this Court is not inclined to grant bail to the petitioner.



8. Accordingly, the prayer for bail of the petitioner is hereby rejected.

9. However, the trial court is directed to conclude the trial as early as possible preferably within a period of one year.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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