

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21154 of 2025

Arising Out of PS. Case No.-69 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Shivu Das @ Shivu Kumar Das @ Shivu Kumar Ram @ Shivu Ram @ Shivu Kumar S/O Lakhan Deo Das @ Lakhan Deo Ram R/O Village- Raghapur, Ward No.-13, Rampur Shyamchandra, P.S- Raghapur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shaishav Kumar, Adv.

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-04-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 629 of 2024 arising out of Bibhutipur P.S. Case No. 69 of 2023 instituted for the offences under Sections 147, 148, 149, 341, 323, 302, 307, 504, 506 of the Indian Penal Code and Section 25(1-b)a, 26, 27, 35 of the Arms Act.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of being involved in commission of murder of the Informant's brother namely Surendra Prasad Singh and one Satya Narain Singh by firing.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case with false and frivolous allegations. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation on the basis of the confessional statement of the apprehended co-accused Ranjit Kumar @ Dablu Jha recorded before the police which has no evidentiary value in the eye of law. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The specific allegation of firing is against the co-accused Lal Babu Singh and Kailash Singh. The prayer for bail of the co-accused Ram Balak Singh who is said to be the order giver has already been granted by a Co-ordinate Bench of this Court vide order dated 20.07.2023 passed in Cr. Misc. No. 42943 of 2023. The petitioner has three criminal antecedents and is languishing in judicial custody since 12.06.2024 without any rhymes or reason.

5. Learned counsel for the petitioner further submits that up-till-now, out of total fifteen witnesses, six witnesses have been examined.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. It is a double murder case and the name of the



petitioner has transpired in this case on the basis of the confessional statement of the co-accused Ranjit Kumar @ Dablu Jha.

7. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the fact that the trial is already in progress, this Court is not inclined to grant bail to the petitioner at this stage.

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 expeditiously. In case, the trial is not concluded within a period of six months from today, the petitioner will be at liberty to renew his prayer for bail before the court below which will be decided on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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