

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5220 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- PUNPUN District- Patna

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Avinash Kumar @ Rayfal Son of Late Subodh Singh Resident of Village-
Shivnagar Nur Mohamadpur, P.S.- Parsa Bazar, Distt.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sameer Son of Late Sarwanand Singh Resident of Village- Barhiya Kol P.S.-
Punpun, Distt.- Patna. At present - Shivnagar Nurmoiddinpur Near Punpun
Buxt Stand, Ward No. 11, P.S.- Parsa, Distt.- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Chandra Mohan Jha, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1
For the Resp. No.2	:	Mr. Bhola Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 19-06-2025 Heard learned counsel for the appellant,

learned Special Public Prosecutor for the State and

learned counsel for the Informant. Perused the

case diary.

2. This Criminal Appeal is directed against
the impugned order dated 19.09.2024 passed in
Spl. Case No. 168/2024 arising out of Punpun P.S.
Case No-127/2024 dated 26.04.2024, for the
punishable offences under Sections
342/326/307/302/120(B) of I.P.C & 27 Arms Act &
Sections 3(2)(v)(va) of SC/ST Act which was passed
by the learned Exclusive Special Judge, SC/ST Act,



Civil Court (Sadar), Patna, whereby and whereunder, the prayer for bail of the appellant was rejected.

3. As per the prosecution story, the informant has alleged that while his brother had gone to attend a function, as he was returning, the unknown criminals shot at him as also his friend. They were rushed to the hospital where his brother was declared brought dead while his friend was fighting for his life. This led to the FIR.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case with false and frivolous allegations and merely on the basis of suspicion. The appellant has not committed any offence as alleged in the F.I.R. Learned counsel for the appellant submits that the date of occurrence is 24.04.2024 at 12 O'clock but, the written application for registration of F.I.R. was given to the police on 26.04.2024 at 03.55 PM after postmortem of the dead body which casts a serious doubt in the prosecution case. The



appellant is not named in the F.I.R. He further submits that nothing incriminating has been recovered from the conscious possession of the appellant or from his house. The name of the appellant has surfaced in this case on the basis of the confessional statement of the co-accused recorded before the police which has no evidentiary value in the eye of law. Later on, the appellant was also arrested by the police and recorded his confessional statement which has also no evidentiary value in the eye of law. Except confessional statements, there is nothing adverse against the appellant in the entire record of the case. There is no specific or direct allegation of firing against the appellant rather the specific allegation of firing is against the co-accused Vicky Kumar, Raju Kumar and Satyam Kumar. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness. The Informant has not taken the name of the appellant anywhere i.e. neither in the F.I.R. nor in the re-statement. The appellant has one criminal antecedent and is



languishing in judicial custody since 27.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged against the appellant is serious in nature. He further submits that the name of the appellant has come in the confessional statement of the co-accused of being involved in the alleged occurrence. The appellant has also confessed his guilt. In the alleged occurrence, the Informant's brother has died and his friend Munmum Kumar has sustained injuries. The postmortem report also shows the cause of death is due to hemorrhage and shock which is caused by fire-arm. Learned counsel for the State further submits that the prayer for bail of the co-accused Shashi Ranjan Kumar has already been rejected by a Co-ordinate Bench of this Court vide order dated 12.12.2024 passed in Cr. Appeal (SJ) No. 4302 of 2024.

6. Learned counsel for the Informant



submits that two witnesses have been examined as on 09.06.2025 and the trial is already in progress.

7. Having heard learned counsel for the parties and taking into account the nature and gravity of the offence alleged as also the trial being commenced and is already in progress, this Court is not inclined to grant bail to the appellant.

8. Accordingly, the appeal stands dismissed with a direction to the learned court below to expedite the trial and conclude the same expeditiously preferably within a period of five months from the date of receipt/production of a copy of this order.

9. If the trial is not concluded within a period of aforesaid four months, the appellant will be at liberty to renew his prayer for bail before the learned court below which will be decided on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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