

COURT OF ADDITIONAL SESSIONS JUDGE- 1st, GAYA
Session Trial No. 241/2022
Arising out of Khizersarai P.S. Case No. 59/2005
State Vs. Ram Jeevan Singh @ Sudershan Singh & Others

28.03.2025

Bail petition has been filed on behalf of petitioner **Ram Jeevan Singh @ Sudershan Singh S/o Late Udhabh Singh, R/o village- Siswar, P.S. Khizersarai, District- Gaya**, who is in judicial custody since 04.02.2021 in connection with **Khizersarai P.S. Case No. 59/2005**, for the allegation made u/s 147, 148, 149, 302, 307, 324 of the I.P.C., Section 27 of the Arms Act, 1959 & 17 C.L.A. Act, has been pressed by his learned counsel.

Prosecution case, in brief, as per fardbeyan of informant is that on 23.06.2005 at about 5.45 P.M., he was standing in western corner side of his house, in the meantime about fifty miscreants having variously armed were seen coming towards his house, and in which the informant identified as 1. Ram Jeevan Singh (petitioner) and eight other co-accused persons, resident of village- Mandi. It is also stated that they were wearing pant, shirt, lungis and bandis and all of them entered into the village, surrounded the house and Khalihan of the informant. They shot his father at Khalihan. After sustaining the gun shot injury, he fled towards house of his brother Arjun Singh. They again shot him there and subsequently he succumbed. Thereafter miscreants caught his brother namely Ajeet Kumar and brutally assaulted him by butt portion of rifle and gun and also shot him, which hit him on leg. Thereafter people carried them to Hospital in unconscious condition. It is further alleged that the first shot was fired by petitioner and second fire was done by Ram Ekbal Singh. It is further stated that motive behind the occurrence was ten days back, dispute in which the brick soling was being done and accused Ram Jeevan and Bharat Singh had protested but even after their protest the work was completed. It is further stated that prior to this, land dispute was also going on between informant and petitioner along with co-accused persons.

It is submitted by Ld. Counsel of the defence that prior to this, petitioner has filed two regular bail petitions, which were rejected by co-ordinate court of this judgeship and by this Court vide order dated 28.05.2022 and 18.01.2024 respectively. Thereafter petitioner moved Criminal Miscellaneous before Hon'ble High Court, Patna vide Cri. Misc. No. 46360/2022, which was rejected by Hon'ble High Court, Patna vide order dated 22.12.2022. Petitioner moved one more criminal Miscellaneous before Hon'ble High Court, Patna vide Cri. Misc. No. 22074/2024, which was also rejected by Hon'ble High Court, Patna vide order dated 10.05.2024 with the direction that the Trial Court conclude the Trial positively within a period of nine months, failing which the petitioner shall have the liberty to approach this Court again for grant of bail but only after making a prayer for bail

before the Trial Court. In that event, the trial Court shall record the reasons for the delay in disposal of Trial. That now the stipulated period given by the Hon'ble High for disposing the Trial has already passed. Lastly he submitted that petitioner has three criminal antecedents vide Khizersarai P.S. Case No. 302/2020, Khizersarai P.S. Case NO. 71/2007 and Khizersarai P.S. Case No. 146/2014, out of which petitioner was acquitted by Ld. A.S.J.-X, Gaya in Khizersarai P.S. Case No. 302/2020. That he is in judicial custody since 04.02.2021. Hence, it is prayed that he may be released on bail.

Per contra, the Ld. Special P.P. vehemently opposed the prayer for bail.

Heard both sides and perused the material available on record. From perusal, it appears that petitioner is named in the F.I.R. There is direct allegation against the petitioner of involvement in committing murder of deceased by causing gun shot injury to him. Moreover from perusal of record, it appears that earlier two Criminal Miscellaneous bearing No. 46360/2022 and 22074/2024 have already been rejected by Hon'ble High Court, Patna with the direction to conclude the trial within nine months. But despite availing several opportunities to lead the evidence, the prosecution has only produced 04 witnesses and because of the lackluster approach of the prosecution, the Trial has not been concluded up till now. The four witnesses have deposed and supported the prosecution case and seven are yet to be examined. The prosecution has already been directed to produce the remaining witnesses on future dates fixed for trial of this case, so that the Trial would be concluded at the earliest. Allegation against the petitioner is grave and heinous in nature. The other witnesses are yet to be examined. If the petitioner be released on bail, he may influence the witnesses, who have not been examined till date or protract the Trial.

Thus, considering the facts and circumstances of the case and gravity of offence, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail to the petitioner is hereby rejected.

(Dictated)

Sd/-

(Nalin Kumar Pandey)
Addl. Sessions Judge Ist, Gaya
28.03.2025