

In the Court of Additional Sessions Judge-X, Kaimur
GR Case No 1203 of 2019
CIS No-293 of 2019
STR NO.-293 of 2019

03.02.2020

Bail-petition dated 01.02.2020 has been moved on behalf of accused namely- Arvind Kumar Gupta who is in custody since 11.06.2019. Copy of the bail-petition has been served upon the prosecution and learned A.P.P made submission thereon.

Heard on the bail petition.

Contention of the accused petitioner is three-folds: firstly, averring about his innocence drawing the attention to the fact that petitioner accused has been falsely implicated in this case and co-accused persons have been enlarged on bail by Hon'ble High Court Patna; no any bail petition is pending either in this court or before Hon'ble High Court. Secondly, this has been submitted that informant's son was in unilateral love affair with a girl and he shot himself in drunken state of wine after which family members of deceased made the petitioner as an accused in this case. Thirdly, the contention of the petitioner is that charge sheet has already been submitted in this case and the record is for framing of charge, so petitioner is entitled to be enlarged on bail.

Aforesaid prayer of the bail is opposed on behalf of the prosecution stating therein that sufficient material is available against accused petitioner in the case diary which shows that petitioner is arraigned for murder of son of the informant, as such he is not entitled to get the benefit of the privilege of bail.

Perusal of materials available on record reveals that Bhabua P.S Case no.-319/2019 has been registered U/S- 302/34 of I.P.C. and 25(1-B)a,26,27 and 35 of Arms Act on 09.06.2019 on the basis of written application of informant against unknown miscreants stating therein that informant got telephonic information at 4:30-5:00 A.M. by one person of his relation and thus he came to know that his son has been shot dead in front of door of Santosh Keshari and Umesh Keshari near Kastura Chowk. Informant rushed to the place of occurrence at 5:30 A.M. where he found the dead body of his son lying there. After investigation, police submitted charge sheet against petitioner and other accused persons U/S-302,201/34 of I.P.C. and 25(1-B)a,26 and 27 of Arms Act and Learned Chief Judicial Magistrate took cognizance vide order dated-21.10.2019 in this case. The name of petitioner accused surfaced in this case during investigation when in para no.-14 of case diary Raushan Kumar stated that in the night of alleged date of occurrence while he was returning his home after purchasing medicine, he had seen deceased in company of petitioner and other accused persons loitering in drunken state. He has also stated in the same para that after some times, he had heard firing sound, accused petitioner and other co-accused had killed deceased due to animosity and in the next morning his dead body was found. In para no.-32 of case diary, petitioner has stated that other accused persons caught hold the

deceased and he shot at him. Confessional statement of petitioner accused led to recovery of pistol allegedly used in commission of murder of informant's son. After going through the case diary, it transpires that Para no.-14,15,16,17,18,32 and 34, connect the guilt of accused petitioner in alleged occurrence of murder of the son of informant.

In view of aforesaid facts, circumstance, and material available in the case diary the court is not inclined to enlarge the petitioner on bail. Accordingly, Bail-petition dated 01.02.2020 filed on behalf of accused namely- Arvind Kumar Gupta is rejected hereby.

Sd-03.02.2020

Additional Sessions Judge-X
Kaimur, Bhabua