

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16754 of 2017

Arising Out of PS.Case No. -27 Year- 2017 Thana -CHAPRA TOWN District- SARAN

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1. Man Mohan Kumar Son of Dhruv Kumar Gupta, Resident of Village/
Mohallah- Purvi Dahiyawan Jagdamba Road, P.S.- Chapra Town, District-
Saran at Chapra (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 19-05-2017 Heard the learned counsel for the petitioner, the

learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioner seeks bail in Chapra Town P.S. case

No. 27 of 2017 under Section 302/34 of the Indian Penal Code.

Navin Kumar, the informant, lodged the case against

unknown, on the basis of information of Mukesh Kumar, that his

uncle, Bhola Prasad, and cousin (brother), Dhiraj Kumar, were

shot and they were under treatment in Sadar Hospital, Chapra. The

informant brought his brother, Dhiraj Kumar, in Patna Medical

College and Hospital, Patna for better treatment. The informant

further disclosed that Mukesh Kumar informed him that about



nine in the evening three unknown persons came on a motor cycle and they made indiscriminate firing.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. Mukesh Kumar, wife of Bhola Prasad, Dhiraj Kumar, the injured, are eye witnesses of the occurrence. Mukesh Kumar disclosed that three persons came on a motor cycle. Two pillion riders were armed with pistols and they made firing causing injuries to Bhola Prasad and Dhiraj Kumar. Mukesh Kumar further disclosed that on account of land dispute Bajrangi Singh, Nag Narayan Mahto, Raju Singh, the deed writer, and Manmohan @ Vikku, the petitioner and others conspired and killed Bhola Prasad and injured Dhiraj Kumar, son of Bhola Prasad. It is submitted that Santosh and others also made similar statement. Wife of the deceased claimed to have identified three persons, who came on a motor cycle and fired at her husband and son. The petitioner was arrested but he has not been put on T. I. parade as yet. The injured Dhiraj Kumar made his statement in paragraph 3 of the supplementary case diary and made same and similar allegation. Save and except suspicion there is no material against the petitioner. It has come that Bajrangi Singh took money but he was not executing the sale deed. One Arun Sah, who was in custody, was contacted and thereafter the sale deed was executed.



The petitioner had taken money but he did not deliver the money to Arun Sah. It is alleged that at the instance of Arun Sah the occurrence took place.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for bail.

The learned counsel for the informant referred to paragraphs 7, 8, 59, 60 of the case diary and paragraph 3 of supplementary case diary and submitted that all the witnesses have stated that the petitioner was also involved in the killing of Bhola Prasad and injuring Dhiraj Kumar.

It appears from perusal of the records that the petitioner is not named in the FIR. Name of the petitioner figured in the case in the statement of Mukesh Kumar, who disclosed that three persons came on a motor cycle and made indiscriminate firing in which Bhola Prasad and Dhiraj Kumar were injured. Bhola Prasad died during the course of treatment in Sadar Hospital, Chapra. Dhiraj Kumar was referred to Patna Medical College and Hospital, Patna for treatment. Mukesh Kumar, who is employee of the deceased from his childhood, suspected that petitioner and others on account of land dispute got Bhola Prasad killed. Similar is the statement of other witnesses but during the course of



investigation no material has been collected to show that petitioner hired any criminals or at the instance of petitioner the occurrence took place. Wife of the deceased claimed to have identified the killers but even after arrest of the petitioner the petitioner has not been put on T. I. parade.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in Chapra Town P.S. Case No. 27 of 2017.

(Prabhat Kumar Jha, J)

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