

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39926 of 2017

Arising Out of PS.Case No. -266 Year- 2016 Thana -NAUBATPUR District- PATNA

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Shatrughan Kumar @ Jatha @ Munna, S/o Amarendra, Resident of
Village-Sheikhpura, P.S.-Naubatpur, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-11-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Naubatpur P.S. Case No. 266 of 2016 dated 08.09.2016 which has been instituted for the offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner has been named in the FIR and he is in custody since 07.12.2016.

One Devendra Sharma who lodged the FIR has alleged that his son Rakesh Kumar @ Kail was called by one Vikash Kumar, a notorious person and pursuant to such call of Vikash Kumar, the son of the informant visited him along with Ravish Kumar. Later, the dead body of both Rakesh Kumar @ Kail and Ravish Kumar were found. The cause of occurrence as



has been stated in the FIR is that about ten days prior to the occurrence, co-accused Chandan Kumar who stands in special relation to the aforesaid Vikash Kumar, had told the informant that his son would be killed because only he was responsible for the death of the brother-in-law of Chandan Kumar.

Learned counsel for the petitioner has submitted that merely because of this incident which took place ten days prior to the occurrence, the petitioner has been named in the FIR as one of the associates of Chandan Kumar.

During the course of investigation, except for the confession of Chandan Kumar that he along with others including the petitioner committed the murder of the son of the informant and Ravish Kumar, there is no other direct material connecting the petitioner with the crime. The paragraphs of the case diary which have been quoted by the learned Additional Sessions Judge, Danapur while rejecting the prayer for bail of the petitioner, only refer to the seizure list, further statement of the informant which is in pari-materia same as the FIR and the statement of other hearsay witnesses who have only stated that they came to learn that the dead body of the deceased persons were found lying on the road.

Taking into account the aforesaid facts and the period of custody of the petitioner, this Court is inclined to grant bail to



him.

The petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, II, Danapur, Patna in connection with Naubatpur P.S. Case No. 266 of 2016.

(Ashutosh Kumar, J)

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