

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33638 of 2019

Arising Out of PS. Case No.-652 Year-2018 Thana- HILSA District- Nalanda

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DINESH KUMAR, Son of Raja Ram Prasad, Resident of Village - Manipur
Fulbaria, P.S.- Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr.Adv.
For the Opposite Party/s	:	Mr.Anand Mohan Prasad Mehta, APP
For the Informant	:	Mr. Tej Narayan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-08-2019 Heard learned senior counsel for the petitioner and

learned APP representing the State as well as learned counsel

representing the informant.

Petitioner in the present case is seeking anticipatory

bail in connection with Hilsa P.S. Case No.652 of 2018

registered for the offence punishable under Sections

302/120(B)/34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that

on a bare perusal of the FIR it would appear that the informant

who is son of the deceased has specifically named five persons

whom he had seen at the place of occurrence while they had

indulged in firing upon the deceased father of the informant. It

is submitted that in terms of FIR one Bhushan Mahto had first



fired from his pistol upon the deceased father of the informant and thereafter Bipin Kumar and Kamlesh Kumar had fired upon which the father of the informant fell down and ultimately died. Learned senior counsel has then submitted that according to FIR father of the informant had purchased a piece of land from the wife of one Kamraj Mahto who happened to be the brother of Bhushan Mahto and for that reason a dispute was going on between the parties and they had threatened to kill his father. It is thereafter an allegation has been made that the manager of Bhushan Mahto namely Damodar Yadav who is related to Akhilesh the brother of this petitioner and brother-in-law of this petitioner and the petitioner all had connived and in conspiracy they killed the father of the informant.

Learned senior counsel submits that this petitioner is a railway employee and on the alleged date of occurrence he was serving at Allahabad. It is submitted that no doubt a matrimonial dispute is going on between the petitioner and his wife but from the FIR it is apparent that the informant is an eye witness and had specifically named Bhushan Mahto, Bipin Kumar and Kamlesh Kumar as assailants of his father. Learned senior counsel submits that it is a case of false implication of the petitioner as subsequently his wife has made a statement that



this petitioner was one of the persons who had surrounded her father. This is in complete contradiction of the statement made in the FIR.

Learned counsel for the informant as well as learned APP for the state have opposed the prayer for anticipatory bail. It is submitted that this petitioner had conspired in killing of the father of the informant.

Having heard learned senior counsel for the petitioner, learned counsel for the informant and learned APP for the State, this Court finds that in the FIR there is specific allegation against Bhushan Mahto, Bipin Kumar and Kamlesh Kumar as the persons who had fired. The informant is the son of the deceased and has narrated the entire story which he had seen. This petitioner was not named as a person who had surrounded the deceased nor he has been named as an assailant. The allegation is that the petitioner was also in conspiracy. The facts also reveal that the matrimonial discord is going on between the petitioner and his wife, considering that there is a change of version by the wife of the petitioner which is not in consonance with the allegations made in the FIR and that the petitioner is a railway employee in which he is said to be working at Allahabad on the alleged date of occurrence, let the petitioner



above named in case of his arrest or surrender within four weeks from today in connection with Hilsa P.S. Case No.652 of 2018, be released on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Hilsa, Nalanda, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the persona shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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