

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1235 of 2020

Arising Out of PS. Case No.-276 Year-2019 Thana- KHAGARIA District- Khagaria

Ganit Kumar , aged about 23 years (Male), S/o Dularchand Yadav, Resident
of Village- Awas Board, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-05-2020 Heard Mr. Binod Kumar, learned counsel for the

petitioner and Mr. Ajay Kumar Jha, learned Additional Public

Prosecutor appearing for the State through video conferencing.

The petitioner seeks regular bail in connection with
Khagaria Muffasil P.S. Case No. 276 of 2019, G.R. No. 1059 of
2019 registered for the offence punishable under Section 302/
120(B)/34 of the Indian Penal Code, 1860 and Section 27 of the
Arms Act.

The allegation against the petitioner as per the First
Information Report drawn by the brother of Rabish Kumar
(deceased) is that on 27.04.2019 in the morning one Niranjana
Gupta called the brother of the informant from his house and
brought him on the road where petitioner along with other
accused persons were present from before with a motorcycle



and the brother of the informant accompanied them to market. It has further been alleged that accused persons took the brother of the informant to Sonvars Diara where Ranveer Kumar, Pandav Kumar and Nitish Kumar tied the brother of the informant with motorcycle and got him down and then the petitioner shot at his brother causing injury.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Learned counsel referring to the case diary submits that during the course of investigation statement of eye witnesses have been recorded by the Police and from perusal of paragraph nos. 5, 8 and other paragraphs of the case diary it would be evident that deceased along with the petitioner and other accused persons had gone to the house of Sagar Yadav with fire arms for settling some dispute and started brick batting over there. It has further been stated that after return from the house of Sagar Yadav, they sat on a platform near his house and the petitioner as well as deceased- Rabish Kumar started taking out bullet from the pistol and it appears that accidental fire from the pistol of some persons sitting there hit the deceased -Rabish Kumar causing his death. Learned counsel for the petitioner submits that the story made in the F.I.R. is concocted and from investigation it would



be evident that accidental fire from the pistol of accomplice of the deceased has hit him causing his death and the petitioner had no intention to cause the death of the deceased. Learned counsel further submits other co-accused persons namely, Ranvir Kumar in Cr. Misc. No. 70072 of 2019, Nitish Kumar in Cr. Misc. No. 63347 of 2019, Pandav Kumar in Cr. Misc. No. 63087 of 2019, Gaurab Kumar in Cr. Misc. No. 80918 of 2019 and Dilkhush Kumar in Cr. Misc. No. 80993 of 2019 have been granted bail by this court.

Having regard to the submissions made by the parties and taking into consideration the fact that during the course of investigation, it has come to light that fire arm injury caused to the deceased was due to some accidental fire and other similarly situated persons have been granted bail, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria Muffasil P.S. Case No. 276 of 2019, G.R. No. 1059 of 2019.

It is made clear that at the time of furnishing bail bond



all the parties shall follow the guidelines regarding lockdown
and social distancing.

(Anil Kumar Sinha, J)

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