

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20814 of 2020

Arising Out of PS. Case No.-563 Year-2019 Thana- JAMUI District- Jamui

BAJRANGI SAW @ SAKA Son of Parmeshwar Saw Resident of Village -
Naginagar, P.S.- Jamui, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mr.Pravin Kumar, Advocates.
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP
For the Informant	:	Ms. Mira Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 24-09-2020 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Ms. Mira Kumari, learned counsel for the informant and Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with Jamui PS Case No. 563/2019 registered for the offence punishable under Section 302/34 of the IPC.

3. The allegation against the petitioner as per First Information Report lodged by one Tripurari Sao stating therein that on 05.11.2019, his younger brother, Murari Kumar Sao @ Tuntun said that he was going to Lakhisarai and thereafter he took motorcycle from his friend and went away but did not return. It has further been alleged that on 06.11.2019 in the



morning, the informant heard that a dead body was lying near Jakhraj Baba Satyan and when the informant went there, he found his brother was lying dead and his neck was cut by a sharp weapon. The informant has alleged that his brother has been killed by the petitioner along with other accused persons.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village rivalry and he has not committed any offence in the manner alleged. Learned counsel further submits that during course of investigation, statement of three persons, namely, Suraj Kumar, Dhiraj Kumar and Jitendra Kumar has been recorded by the police which is mentioned in para-80 of the case diary and they have accepted in their confessional statement that they have killed the deceased and on whose identification, the sharp cutting weapon, fasuli (sickle) has been recovered by the police.

5. Learned counsel also submits that one of the co-accused, Suraj Kumar has been granted bail by this Court vide Cr. Misc. No. 7986/2020. Learned counsel further submits that apart from confessional statement of the co-accused, there is no material before the prosecution to connect the petitioner in the present offence. Learned counsel also submits that the petitioner is in custody since 21.11.2019.



6. On the other hand, learned counsel for the State as well as learned counsel for the informant vehemently oppose the prayer for regular bail and submit that the deceased was killed due to conspiracy hatched by the petitioner inasmuch as the petitioner hired the co-accused persons for killing the deceased and agreed to pay a sum of Rs. 3 Lacs to the co-accused and a sum of Rs. 20,000/- was given as an advance for murder the deceased which has come in the confessional statement of co-accused persons recorded in para-80 of the case diary who have accepted that they have killed the brother of the informant on the basis of contract given by the petitioner. Learned counsel further submits that on the basis of confessional statement of co-accused persons and upon their identification, the weapon of crime has been recovered by the police. Learned counsel further submits that in paragraph-73 of the case diary, a clarificatory statement of the petitioner has been recorded by the police in which the petitioner has accepted that he had given contract to the accused persons for murder of the brother of the informant due to the fact that the petitioner had to pay a sum of Rs. 5 Lacs as compensation to the deceased on the basis of decision of Panchayat inasmuch as the shop of the deceased was set on fire by the petitioner before this occurrence.



7. Learned counsel further submits that CDR of the co-accused as well as that of the petitioner shows that just before the occurrence they had continuous talks and also the police has found evidence that one Niraj Kumar who happens to be relative of the deceased had also talked with the co-accused and the deceased, and the deceased had left his house on the call received by the co-accused, Niraj and his dead body was found lying on the road. Learned counsel submits that mobile location of the petitioner was also found near the place of occurrence.

8. Having regard to the submissions made by the parties and taking into consideration the material on record, I am not inclined to grant regular bail to the petitioner at this stage. Accordingly, this application for regular bail is rejected.

9. However, petitioner may renew his prayer for bail after completion of one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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