

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12901 of 2021**

Arising Out of PS. Case No.-430 Year-2020 Thana- NAUBATPUR District- Patna

RAHUL KUMAR @ LALLU Son of Sanjay Paswan Resident of Village -
Kochahsa, P.S.- Kinjar, District - Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Damodar Pd. Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Naubatpur P.S. Case No. 430 of 2020
registered for the offences punishable under Section 302 and 34
of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, the son of the informant who was in some
love affair with the sister of the co-accused Sujit Kumar, the co-
accused came to the house of the informant and asked about her
son, the informant disclosed that her son had gone to bring LPG



cylinder whereafter said Sujit Kumar left the house, the informant and her daughter-in-law also followed him and then it is alleged that they saw that near the house of Binod Pandit said Sujit Kumar and other four accused named in the F.I.R. including this petitioner were assaulting her son by hand and fists blow and they were physically assaulting her son, in the meantime, in the said occurrence Sujit Kumar took out the pistol from his body and fired thrice aiming the son of the informant. The son of the informant fell down because of the fire-arm injury and admitted in the Patna Medical College & Hospital, Patna where he died. The cause of the occurrence stated in the F.I.R. being the love affair between her son and the sister of said Sujit Kumar.

Learned counsel submits that so far as this petitioner is concerned, he has been falsely implicated in this case with the aid of section 34 of the I.P.C. There is no allegation that this petitioner was lashed with any deadly weapon or fire-arm and in the circumstances no intention has been attributed to him which he could have shared with the co-accused Sujit Kumar.

Learned counsel further submits that fire-arm has been recovered from the house of the said Sujit Kumar. So far as this petitioner is concerned, he is in jail in connection with this



case since 19.10.2020, investigation against him is complete and after recovery of the fire-arm another case has been registered under the Arms Act which is Naubatpur P.S. Case No. 433 of 2020 in which prayer for bail of the petitioner is pending. Similar is the situation with respect to another case stated in paragraph '3' of the application.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, however considering the fact that in the F.I.R. itself there is specific allegation against the co-accused Sujit Kumar and the motive is also attributed to him and it is alleged that said Sujit Kumar had fired taking out pistol from his body, there being no specific allegation that this petitioner was having any weapon in his hand, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - IIIrd, Danapur, in connection with Naubatpur P.S. Case No. 430 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

