

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14184 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- UJIYARPUR District- Samastipur

Bablu Kumar @ Babla Son of Ramdev Sah Resident of Village- Panchpaika,
P.O.- Karihara, P.S.- Ujiarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv.
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the informant	:	Mr. Ashok Kumar Choudhary, Sr. Adv

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 03-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred the instant application for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegations in the F.I.R., it is stated by the informant that his brother Sandeep Kumar @ Nepali had been called by the owner of Laxmi hardware and had gone to the shop for the purpose of accounting. As soon as the brother of the informant made a demand of his outstanding amount, it is stated that accused Ankit Kumar armed with the pistol started to fire which hit the informant's brother in his right wrist. He started to run but was chased by Ankit Kumar, Ramashish Rai and three



others who were firing indiscriminately. As a result of the firing, the informant's brother sustained gunshot injuries on his chest and head and died on the spot.

It is submitted by learned counsel for the petitioner that the allegations as levelld in the F.I.R. are false and concocted. The petitioner has been falsely implicated in the case. The petitioner is not named in the F.I.R. His name transpired in the confessional statement of co-accused Keshav Mishra. Even as per the so called confessional statement made before the police, the allegation of firing is against coaccused Ramashish @ Hariom and not the petitioner herein. Further, the said Keshav Mishra has been enlarged on bail vide order dated 15.4.2021(Annexure-4) passed in Cr. Misc. no.6458 of 2021. The petitioner is in custody since 11.11.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned senior counsel for the informant. It is submitted on behalf of the informant that the deceased was a Ward Secretary who in course of his work under the Nal Jal Yojana was regularly transacting with the accused persons. There was dispute with respect to Rs.2.5 lacs which has led to the brutal murder. It is submitted that from the contents of the



F.I.R. it would transpire that after sustaining the first gunshot inside the shop, when the deceased made an attempt to escape, he was chased by all the accused persons including the petitioner herein and as a result of firing by all, cold blooded murder was committed. It is further submitted that the petitioner has made a false statement on affidavit and he has criminal antecedent. Further reference is made to paragraph nos. 84, 129, 130 and 143 of the case diary and it is prayed that the application for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the period in custody as also grant of bail to coaccused Keshav Mishra on whose confessional statement made before the police, the name of the petitioner has transpired, this Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.165 of 2020 (arising out of Ujiyarpur P.S. Case no.260 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 9th Additional District and Sessions Judge, Samastipur.

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(Partha Sarthy, J)

