

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34889 of 2020

Arising Out of PS. Case No.-804 Year-2019 Thana- JAHANABAD District- Jehanabad

DILIP RAM Son of Late Sita Ram Chandrawanshi Resident of Village-
Vishunganj, P.S.- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Vandana

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-03-2021 Heard the learned counsel for the petitioner and

Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Jahanabad PS case no. 804 of 2019 instituted for the offences punishable under Sections 394, 302 of Indian Penal Code.

The case of the prosecution in brief is that while the elder son of the informant was returning back to his home after seeing the Dussehra Mela, on the way, some unknown miscreants had tried to snatch his mobile and when his son had protested, the said miscreants had fired gun shots on him, resulting in his subsequent death during the course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely



implicated in the present case, is having a clean antecedent and is languishing in custody since 16.12.2019. The learned counsel for the petitioner has further submitted that a bare perusal of the re-statement of the father of the deceased would show that the son of the deceased had disclosed that the co-accused person namely Kundan Kumar had played a crucial role in firing gun shots. It is further submitted that the said Kundan Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 02.12.2020, passed in Cr. Misc. no. 31347 of 2020.

Per contra, the learned A.P.P. for the State has referred to paragraph no. 18 of the case diary and has submitted that the mother of the deceased has stated in her statement made before the police that her son had disclosed that the co-accused person namely Dilip Ram i.e. the petitioner herein, Kundan Kumar, Dipu Kumar and one other co-accused person namely Kundan Kumar, s/o Gyani Ram had shot at the deceased, hence it is submitted that the complicity of the petitioner in the alleged crime is writ large from the records.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also those available in the case diary, this Court finds that a general and omnibus allegation has been levelled against the petitioner and moreover, the factum of the petitioner having a role in the alleged occurrence has surfaced after a delay of about a month, when the statement/ re-statement of the mother/ father of the deceased was recorded by the police. This Court further finds that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 12.11.2020, passed in Cr. Misc. no. 29845 of 2020 and the order dated 02.12.2020, passed in Cr. Misc. no. 31347 of 2020, hence considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail, I deem it fit and proper to enlarge the abovenamed petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Jahanabad in connection with Jahanabad PS case no. 804 of 2019.

(Mohit Kumar Shah, J)

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