

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3877 of 2021

Arising Out of PS. Case No.-401 Year-2020 Thana- JAMUI District- Jamui

BIRJU RAWAT Son of Late Nand Kishore Rawat R/V Bukar (Rawat Tola),
P.S.- Jamui, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate.
For the Opposite Party/s	:	Mr. Binay Kumar, APP.
For the informant	:	Mr. Najmul Hodda, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Jamui P.S. Case No. 401 of 2020 registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 363/3/64, 307, 302, 120 (B), 201, 506, 153 A, 295 A of the Indian Penal Code.

As per the written application of informant Mustakim



Khan, who is brother of the deceased Ibran Khan, the prosecution story in short, is that informant's brother Ibran Khan, and one Md. Akbar Khan have proceeded from Jamui by motorcycle on 7.8.2020 at about 5.30 PM but they did not come back in that night and thereafter, informant and others started searching them. It has been further alleged that on 8.8.2020 at about 6 P.M. Md. Akbar khan came and told that in the evening of 7.8.20 he and Ibran Khan were coming to Jamui by motorcycle and in the way the accused persons including this petitioner surrounded them and pulled out from motorcycle and took them to Anganbari building situated in Rawat Toli and all accused persons were armed with deadly weapons and one of the members of that unlawful assembly dial number to an unknown person and he told that they have kidnapped two persons and after that accused persons including this petitioner started assaulting them and in course of assault Pinki Devi and Indu Kumari instigated the members of unlawful assembly to kill them on which Rahul gave *Katari* blow over his head and rest of accused persons assaulted him by means of *lathi*, *danda*, *fists* and *slaps* and they also fractured his hand. It has been further alleged that Sunil Rawat, Vijay Rawat, Mahesh Yadav and Prakash Yadav assaulted Ibran Khan by means of *Katari* and



rest of accused persons assaulted with *fists* and *slaps*, *lathi* and *danda* and due to which Ibran Khan became senseless and after that all accused persons bolt them inside Anganbari building but anyhow injured Md. Akbar Khan managed to flee from their and on next day he narrated all the story and when informant and other went to search Ibran Khan they heard rumour that one beheaded human body is lying from north side of village Bukar and then informant and others went there and they identified the beheaded human body as body of Ibran Khan and on oral information of villages police was present there and police brought the behead human body to Jamui and completed all other formalities.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that there is no eye witness in this case rather when the dead body has been found then only the informant falsely implicated to the neighboring village. He submits that the charge sheet has been submitted and there is no allegation of tampering with the prosecution witness by the petitioner. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather



general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail application and has been languishing in custody since 11.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Jamui P.S. Case No. 401 of 2020.

GAURAV S./-

(Anjani Kumar Sharan, J)

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