

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4789 of 2021

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

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1. NANDAN KUMAR S/o Lddu Rawat R/o village- Bukar, P.O.- Bukar, P.S.- Jamui, District- Jamui
 2. Kundan Kumar @ Kunal Kumar S/o Laddu Rawat R/o village- Bukar, P.O.- Bukar, P.S.- Jamui, District- Jamui
 3. Chandan Kumar S/o Laddu Rawat R/o village- Bukar, P.O.- Bukar, P.S.- Jamui, District- Jamui
 4. Deepak Kumar S/o Garib Rawat R/o village- Bukar, P.O.- Bukar, P.S.- Jamui, District- Jamui
 5. Laddu Rawat S/o Late Mathura Rawat R/o village- Bukar, P.O.- Bukar, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate
For the informant	:	Mr. Najmul Hodda, Advocate
For the State	:	Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-06-2021 Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioners, Mr. Najmul Hodda, learned counsel for the informant and Mr. Upendra Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Jamui P.S. Case No. 401 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 363, 374, 307, 302, 120(B), 201, 506, 153(A) and 295(A) of the Indian Penal Code 1860.



The allegation as per the First Information Report is that altogether 25 named accused persons and 20-25 unknown persons intercepted the Motorcycle of brother of the informant who was going along with Md. Akbar Khan and all the accused persons assaulted the brother of the informant namely, Ibran Khan and Akbar Khan by means of lathi, danda, fists and slaps. It has further been alleged that thereafter, four accused persons namely, Sunil Rawat, Bijay Rawat, Mahesh Rawat and Prakash Yadav assaulted the brother of the informant by means of *Katar*, due to which, he died and his beheaded dead body was found lying in the field (*Bahiyar*).

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case due to village politics. Learned counsel further submits that from perusal of the First Information Report it would be evident that there is specific allegation of assault by means of *Katar* upon the four named accused persons, due to which, the brother of the informant died and allegation against the petitioners are general and omnibus in nature. Learned counsel also submits that petitioners belong to the same family and other named accused persons whose names appeared at Sl. No. 3, 4 and 6 of the First



Information Report have been granted bail by co-ordinate Benches of this Court in Cr. Misc. 2451 of 2021, 3877 of 2021 and 03 of 2021 respectively.

On the other hand, learned counsel for the informant has vehemently opposed the prayer for bail and submits that the petitioners are named in the First Information Report and they have assaulted the brother of the informant with common intention to kill. Learned counsel further submits that Akbar Khan who was travelling with the brother of the informant is an eye witness of the occurrence and he has fully supported the prosecution case.

Having heard learned counsel for the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court, there is no specific allegation of assault upon the deceased against the petitioners and the petitioners are in custody since 11.8.2020 as well as charge sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Jamui P.S. Case No. 401 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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