

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8798 of 2021

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

=====

Rahul Kumar Son Of Naresh Rawat R/O Vill.- Bukar, P.S.- Jamui, Dist.-
Jamui

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Anuj Kumar, Advocate
For the Informant	:	Mr. Najmul Hoda, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-08-2021 Heard learned Senior Counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

Petitioner, in the present case, is seeking regular bail
in connection with Jamui P.S. Case No. 401 of 2020 registered
for the offences punishable under Section 147, 148, 149, 341,
323, 324, 325, 363, 364, 307, 302, 120(B), 201, 506, 153A,
295A of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
the whole prosecution story falsifies on its own stand which
will be evident from the various submissions recorded by the
learned Sessions Judge, Jamui in the impugned order. It is
submitted that the First Information Report is based on the
statement of one Akbar Khan who claims that when he along

with his brother Ibram Khan were going on motorcycle to Jamui, they were taken to a place where about 25 named accused and 20-25 unknown persons who were all lashed with weapons. The brother of the informant were pulled down and taken to a Anganbari Centre where both of them were assaulted. It is alleged that co-accused Pinki Devi and Indu Devi instigated to other co-accused to kill them whereupon this petitioner assaulted Akbar Khan on his head and others assaulted him by Lathi, Danda, hand and fists blow. Akbar Khan claims that he had suffered head injury and fracture in his hand in the occurrence. He further claimed that Ibram Khan was assaulted by co-accused Sunil Rawat, Vijay Rawat, Mahesh Rawat and Prakash Yadav. General and omnibus allegations have also been made against others saying that they had also assaulted both the brothers. It is claimed that Akbar fled away from Anganbari Centre through a window and reached his house on the next day and disclosed the occurrence to his brother. On the next day one dead body was found which was beheaded and then it was found that the beheaded body was of Ibram Khan.

Learned Senior Counsel submits that in fact Akbar Khan who had claimed that he had suffered head injury and had fractured his hand because of the assault, has made false

statements. No such injury has been found on his body. The inquest report of the dead body was prepared at the hospital and not on the place of occurrence as alleged. The Investigating Officer has not found any mark of blood at the alleged place of occurrence and further in course of investigation it has come that there was a communal riot between the two communities in which both the sides have indulged in causing assault to each other.

Mr. Akhileshwar Dayal, learned APP for the State has informed this Court that in paragraph 19 of the case diary it has come that there was a communal riot between the two communities where both the communities have fought with each other.

Learned counsel for the informant has though opposed the prayer for bail of the petitioner but on the query made by this Court as to whether Akbar Khan who claims to be an eye witness has suffered any injury, learned counsel for the informant does not dispute that no such injury has been found on the body of Akbar Khan whose statement is the basis of the case.

Considering the facts and circumstances of the case, the nature of the materials noticed hereinabove, the case of the

prosecution based on the statement of Akbar Khan is not getting support from the materials placed before this Court, for the present this Court having noticed that the petitioner has already remained in jail in connection with this case since 11.08.2020, investigation against him is complete, but the trial is not likely to take place in near future, he has otherwise no criminal antecedent, 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 Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 401 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/-

U		T	
---	--	---	--

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'.