

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8289 of 2021

Arising Out of PS. Case No.-434 Year-2020 Thana- LAKHISARAI District- Lakhisarai

RAHUL KUMAR @ JHANDU, aged about 30 years, Gender-Male, Son of Late Arjun Saw, Resident of Village-Kabaiya Road, Ward No.-25, P.S.-Kabaiya, District-Lakhisarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Mayank Bilochan, Advocate.
For the Informant	:	Mr. Vijay Kumar, Advocate.
For the State	:	Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 302, 120(B)/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 25.08.2020, the husband of the informant was killed by the criminals. It is further alleged that one year ago, her husband had also got firearm injury and at that time, the informant came to know that there was land dispute between the deceased and accused persons, namely, Rahul Kumar @ Jhandu, Sappan Kanodia,



Bharti Modi, Amit Kumar and 3-4 unknown due to property dealing. On the alleged date of occurrence, deceased went for site visit but he was shot dead by the criminals. One Tunni Singh was also riding on the back seat of the Motorcycle with the deceased but after the incident, the said Tunni Singh has neither informed the police nor the informant and fled away from his house. The informant has claimed that the named accused persons and some unknown accused have made conspiracy and killed her husband.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The name of the petitioner has transpired in the present case merely on the basis of suspicion raised by the informant. Subsequently, in course of investigation, the name of the petitioner was taken by the co-accused. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no incriminating article recovered from possession of the petitioner. Neither there is any eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation



of the petitioner in the present case.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional District and Sessions Judge-IIInd, Lakhisarai, in connection with Lakhisarai Ramgarh Chowk P.S. Case No. 434 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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