

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11125 of 2021**

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

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JEEVAN KUMAR S/O SURESH RAWAT Resident Of Village - Bukar Rawat
Toli, P. S. - Jamui, District - Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

5 19-07-2021 In view of sudden resurgence of COVID-19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned

APP for the State.

This Court would expect that the petitioner's Counsel

would honour his undertaking in the instant proceedings regarding

supply of requisite court fee etc. within two weeks from the date

he is called upon to do so by the office.

Petitioner seeks bail in Jamui PS Case No. 401 of 2020,

registered under Sections 147, 148, 149, 341, 342, 323, 324, 325,

363, 364, 307, 302, 120(B), 201, 506, 153A, 295A of the Indian

Penal Code.

Informant Mustakim Khan is brother of the deceased



Ibran Khan. The prosecution story, in short, is that informant's brother Ibran Khan and one Md. Akbar Khan had proceeded for Jamui by motorcycle on 07.08.2020 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 08.08.2020 at about 6 A.M. Md. Akbar Khan came and told that in the evening of 07.08.2020 he and Ibran Khan were coming to Jamui by motorcycle and in the way the accused persons including this petitioner surrounded them and pulled them from motorcycle and took them to Anganbari building situated in Rawat Toli. All accused persons were armed with deadly weapons and one of the members of that unlawful assembly dialed number to an unknown person to whom he told that they have kidnapped two persons. 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. 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, slaps, *lathi* and *danda*, due to which Ibran Khan became senseless. Thereafter all accused persons bolted



themselves inside Anganbari building. Injured Md. Akbar Khan managed to flee from there 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 in the north side of village Bukar. Informant and others went there. They identified the beheaded human body as body of Ibran Khan and on oral information of villagers police brought the beheaded human body to Jamui and completed all other formalities.

It is submitted by the petitioner's counsel that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. There is no eye witness in this case. It is submitted 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 conscious possession of the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court in Cr. Misc. No. 3877 of 2021 dated 09.04.2021 and Cr. Misc. No. 4789 of 2021 dated 24.06.2021. Petitioner has no criminal antecedent. He is in custody since 05.09.2020.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in Jamui PS Case No. 401 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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