

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9427 of 2022

Arising Out of PS. Case No.-685 Year-2021 Thana- JAHANABAD District- Jehanabad

Ajit Kumar, Son of Late Moti Mistri, Resident of Village Amthua, P.S.- Kako,
District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.NK Agarwal, Sr. Advocate
	:	Mr. Sanjeev Kr. Mishra, Advocate
	:	Mrs. Manini Jaiswal, Advocate
For the State	:	Mr.Satya Nand Shukla, APP
For the Informant	:	Mr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 18-10-2022 As prayed, the learned counsel for the petitioner is permitted to make necessary correction in the description of the petitioner mentioned on page no. 1 of the bail petition in course of the day.

Heard learned senior counsel for the petitioner, learned APP for the State and learned counsel for the Informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Jahanabad P.S. Case No. 685 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.



As per prosecution case, two unknown miscreants put down the husband of the informant and when the informant tried to save him, one of them fired upon her right leg. She fell down and the miscreants shot dead her husband by firing upon his head. The name of the petitioner transpired as one of the accused persons during investigation.

The learned senior counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case as there is no material to connect the petitioner with the occurrence as alleged. The name of the petitioner surfaced in this case on the basis of location of mobile phone tower as one mobile phone was recovered from the spot and there was a call from that mobile phone to the mobile phone of the petitioner. Learned senior counsel further submits that there is no eye-witness to the occurrence and merely on suspicion, this petitioner has been arraigned as an accused in this case. The petitioner is in custody since 13.11.2021 and the charge-sheet has been submitted in this case and investigation is complete. The petitioner has got one criminal case pending against him which has been registered under Section 498 (A) I.P.C.

Learned APP as well as learned counsel appearing on behalf of the informant opposes the submission made on behalf



of the petitioner for grant of bail. The learned counsel for the informant submits that on the basis of tower location, it has come up during investigation that the petitioner and the co-accused were present at the place of occurrence during relevant time. Further one of the co-accused persons has confessed and has named this petitioner as the person who shot dead the husband of the informant. However, learned APP concedes that recovery of firearm allegedly used in the occurrence has been made at the instance of co-accused Shyamdeo Kumar but he was named by this petitioner to whom he had given the firearms.

Perused the records.

Having regard to the facts and circumstances of the case and rival submissions and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Jahanabad/court concerned, in connection with Jahanabad P.S. Case No. 685 of 2021 subject to the conditions



mentioned in Section 437(3) of the Code of Criminal Procedure
and also the following conditions :

(i) One of the bailors will be a close relative of
the petitioner.

(ii) The petitioner will remain present on each and
every date fixed by the court below.

(iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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