

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29002 of 2022

Arising Out of PS. Case No.-656 Year-2020 Thana- ISLAMPUR District- Nalanda

Ramanand Kewat, Son of Late Anath Kewat, Resident of Village - Medhi,
Police Station- Islampur, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Islampur P.S. Case No. 656 of 2020 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, the brother of the informant was called out and taken with them by co-accused persons and after one hour, the gun shot was heard and the informant and his family members reached the spot. The brother of the informant was found shot dead. Further, petitioner and other co-accused



persons were seen fleeing away from the spot with rifle and guns. The informant stated that occurrence took place in the background of earlier occurrence when the petitioner and other co-accused persons assaulted and fired upon him.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to previous grudge and dirty politics. Only allegation against this petitioner is that he was seen fleeing away from the spot but no allegation has been made against the petitioner that he called out the deceased from the house along with other co-accused persons. There is no specific and direct allegation against him for his involvement in the alleged occurrence. It is apparent from the FIR that no one has seen the occurrence in which the brother of the informant lost his life. The informant has made altogether 15 persons as accused in this case and also stated that some unknown were also involved and all were armed with firearms but there is no specific allegation against any of them for firing the fatal shot. The brother of the informant was killed by other persons but the petitioner and other co-accused persons have been falsely roped in this case. The petitioner is in custody since 20.02.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.



Learned APP opposes the prayer for bail submitting that the petitioner was seen fleeing away from the spot where the brother of the informant was shot dead.

Having regard to the submissions made hereinabove and considering the general and omnibus nature of allegation coupled with the distinct lack of material against the petitioner on record to connect him with the alleged occurrence and further considering the clean antecedent of the petitioner along with submission of charge-sheet and his period of custody, 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 Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Islampur P.S. Case No. 656 of 2020, 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 the deponent, who has sworn the affidavit.
- (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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