

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69781 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- TEYAR District- Bhojpur

Ramjanam Singh S/O Sudama Singh R/o village- Kamariyawan, P.S.- Tiyar,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30775 of 2022

Arising Out of PS. Case No.-6 Year-2020 Thana- TEYAR District- Bhojpur

Kush Choubey @ Kush Kumar Choubey Rama Shankar Resident of Village-
Sikariya , P.S- Tiyar , Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69781 of 2021)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the State : Mr. Anant Kumar 1, APP

(In CRIMINAL MISCELLANEOUS No. 30775 of 2022)

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the State : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022

Cr. Misc. No. 69781 of 2021

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Tiyar P.S.
Case No. 6 of 2020 registered for the offence under Sections
302, 201, 376 and 34 of the Indian Penal Code and Section 27



of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 10.09.2021.

The allegation against the petitioner is to commit murder of sister of the informant, alongwith other unknown co-accused persons, by causing fire arm injury due to previous enmity, arises out love affairs.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and, even, the thrust of allegation, as raised through suspicion, is available against named co-accused, namely, Mukesh Kumar @ Vikky, who is the son of this petitioner, who alleged to have in love affair with the deceased. It is submitted that during the course of investigation, as some suspicion was raised that murder was committed by the licenced pistol of this petitioner, who is a retired army personnel, his name surfaced in this case without any basis. Learned counsel further pointed out paragraph no.111 of the case diary and submitted that the main accused, who is the son of the petitioner also committed suicide on the very same day due to frustration arises out of the occurrence, what might be committed by him. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and,



moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as the thrust of allegation is available against the son of the petitioner, where the maximum allegation surfaced against the petitioner is that the licenced pistol of this petitioner was used for the purpose of murder by his son coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tiwar P.S. Case No. 6 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. No. 30775 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Tiwar P.S. Case No. 6 of 2020 registered for the offence under Sections 302, 201, 376 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 10.09.2021.

The allegation against the petitioner is to commit murder of sister of the informant, alongwith other unknown co-accused persons, by causing fire arm injury due to previous enmity, arises out love affairs.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the cousin brother of the deceased and for the simple reason, as he was in friendly terms with the main accused, namely, Mukesh Kumar @ Vikky, merely, on the basis of said suspicion, name of the petitioner surfaced in the present case, as one of the co-accused. It is further submitted that save and except this suspicion, nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/murder. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and,



moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/murder coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tiya P.S. Case No. 6 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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