

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43035 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

Gautam Kumar @ Jang Bahadur, S/o Ravindra Prasad, R/o Village- Kunjaila,
P.S.- Roh, P.O.- Ohari, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42443 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

Ravindra Prasad, Son of Late Shyam Narayan Mahto, Resident of Village-
Kunjaila, P.S.- Roh, P.O.- Ohari, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43035 of 2021)

For the Petitioner/s : Mr. Baxi S. R. Sinha, Sr. Advocate
Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

(In CRIMINAL MISCELLANEOUS No. 42443 of 2021)

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. M. K. Nirala, APP

For the Informant : Mr. Rishit Deo Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

7 29-06-2022 Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Both the bail applications arise out of the same police
station case, they have been heard together and are being
disposed of by this common order.



Heard Mr. Baxi S.R.P. Sinha, learned senior counsel for the petitioners, Mr. Rishit Deo Kumar Singh, learned counsel for the informant and learned APP for the State.

The petitioners seek regular bail, who is in custody in connection with Laheri P.S. Case No. 77 of 2020 for the offences punishable under Sections 302, 324, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 20.02.2020 the informant has been informed over his phone that his son has been shot dead by some criminals. On aforesaid information, he rushed to the Sadar Hospital and when he went Bhaisaur Mohalla, he was informed that two persons came on motorcycle along with his son Rahul Kumar and all of them alighted from the motorcycle, in the meantime, one of the co-accused shot his son from behind and he fell down. It is further alleged that the reason behind the said occurrence is that elder brother Ravindra Prasad and his son Gautam Kumar @ Jang Bahadur and Veer Bahadur, who are inimical terms due to land dispute, have given threat to kill his son.

It is submitted by the learned senior counsel appearing on behalf of the petitioners that there is specific allegation against unknown criminals that they killed the son of



the informant at Bhaisasur where the deceased used to reside and studying. It is further submitted that both the informant and the petitioners are their own brother and nephew and there is admitted land dispute due to which their names have been implicated in this case. It is also submitted that during the course of investigation one Arnav Shaurya @ Ravi was apprehended by the Police and he confessed before the police that these two petitioners have conspired to kill the son of the informant and in order to facilitating the crime, he has been given Rs. 19,000/- and on the dictate of the petitioners this Arnav Shaurya along with one another person killed the deceased (son of the informant). It is lastly submitted that both the petitioners are in custody since 27.01.2021 having fair antecedent, though, after the completion of the investigation, the case has been committed to the Court of Sessions and now the charges have already been framed.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the bail application and submits that there is specific allegation, as is evident from the confessional statement of Arnav Shaurya, that it is the petitioners, who have conspired and also given Rs. 19,000/- to the criminals, who ultimately killed the son of the informant



and as such both the petitioners do not deserve to be released on bail.

Learned APP for the State also opposes the bail application of the petitioners and also drawn the attention of this Court on the confessional statement of the Arnav Shaurya and submits that he confessed the involvement of the petitioners.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that except the confessional statement of Arnav Shaurya, there is no cogent material available on record, which suggests the involvement of the petitioners in the present crime, inasmuch as now the charges have already been framed and the petitioners are ready to give undertaking that they will cooperate in the trial and remain present on each and every date till the conclusion of the trial. It is also not the case of the informant that the petitioners are indulged in tampering with the evidence or intimidating the witnesses, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Laheri P.S. Case No. 77 of 2020, subject to the condition that one of the bailors will be the



close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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