

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36757 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- KALYANPUR District- Samastipur

1. Shiv Chandra Rai Son of Late Kishori Rai R/O Village- Dadhia, P.S.- Chakmehasi, District- Samastipur
2. Rajeev Kumar Rai Son of Sri Shiv Chandra Rai R/O Village- Dadhia, P.S.- Chakmehasi, District- Samastipur
3. Rishu Kumar Thakur @ Rishu Ranjan Son of Shiv Kumar Thakur R/O Village- Ghornagar, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

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

The petitioners seek bail in connection with Kalyanpur P.S. Case No. 107 of 2021 registered for the offence under Sections 302, 120(B)/34 of the Indian Penal Code and section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and are in custody since 13.04.2022.



The allegation against the petitioners is to commit murder of husband of the informant along with other co-accused persons by causing firearm injury, in the background of previous enmities.

Learned counsel, Shri Ajay Kumar Thakur, appearing on behalf of the petitioners submitted that informant is not the eye witness of the occurrence, where implication is purely based upon suspicion and previous enmities. It is further submitted that as petitioners, lodged Chakmeshi P.S. Case No. 53 of 2020 against the deceased, have been falsely implicated on the basis of suspicion. It is further submitted that the maximum allegations, what appears from perusal of F.I.R., is that petitioners were found collectively run away from the place of occurrence, without specifying any overt act towards commission of the offence. While concluding the argument, it has been submitted that nothing incriminating recovered during the course of investigation, where investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence, as per F.I.R.



Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where maximum allegation surfaced as to run away from the place of occurrence without specifying any overt act towards the commission of offence coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Kalyanpur P.S. Case No. 107 of 2021 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, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

