

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40602 of 2022

Arising Out of PS. Case No.-623 Year-2021 Thana- NAUBATPUR District- Patna

Kamal Kumar, Son of Shivendra Kumar Sharma @ Shivendra Kumar
Resident of Village - Masaurha, P.s.- Paliganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 42096 of 2022

Arising Out of PS. Case No.-623 Year-2021 Thana- NAUBATPUR District- Patna

Rahul Kumar, Son of Jitendra Ram @ Jitendra Rai Resident of Mamrezipur,
P.S. Naubatpur, District - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40602 of 2022)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 42096 of 2022)

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-10-2022 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioners and Mr. Jitendra Kumar Singh,
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.



The petitioners are in judicial custody in connection with Sessions Trial No.328 of 2022 arising out of Naubatpur P.S. Case No.623 of 2021 instituted under Sections 302, 201, 120B,34 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution story, the informant-husband of the deceased has alleged that he is a Dentist at Gajipur while his wife used to run a Beauty Parlour in Patna taking into account the education of their child who were studying there.

On 23.11.2021, the lady left the house but failed to return and the relative's efforts also went in vein. Accordingly, an information was given to the S.K. Puri Police on 24.11.2021 and on the same day local news flashed about recovery of an unknown dead body under Naubatpur Police Station jurisdiction. It was that of his wife Rimjhim Kumari. She had sustained gun shot injury on her head. Accordingly, the FIR was lodged.

Learned Senior counsel for the petitioners submit that the FIR was against unknown and subsequently during investigation the name of the accused persons cropped up and accordingly the petitioner, Kamal Kumar came into custody who also confessed to the crime. However, he has submitted that if taking into account all the extra judicial confessions that have



come up as also the investigation that has progressed, it was one Rohit Kumar who was having financial issues with the lady and as she was pressurizing him to return the amount, he allegedly took steps to eliminate her and in the process roped in the accused persons which included the two petitioners herein.

It is his further submission that as per the investigation, Ranjit Kumar has confessed that he opened fire which at first missed her waist whereafter he fired again on her head causing her death. He as such submits that so far as the petitioner Kamal Kumar is concerned, the only allegation is that he being friend of Rohit Kumar, on his request lend his car little realizing that the same will be used for the crime for which he has already suffered by being in custody since 28.11.2021 despite the fact that he do not have any criminal antecedent.

So far as the accused Rahul Kumar (Cr. Misc. No. 42096 of 2022) is concerned, in view of the aforesaid submission of the learned Counsel counsel for the petitioner of the complicity of Rohit Kumar who had financial issues and Ranjeet Kumar who had opened fire, this petitioner too comes in the bracket of accused persons and is in jail since 17.01.2022 although he has criminal antecedent being Naubatpur P.S. Case No. 627 of 2021 by which the arms used in the alleged



occurrence was recovered/seized. However, as per the investigation, it is Ranjeet who opened fire. He submits that merely because he was there, has been implicated in this case. He further submits that in Naubatpur P.S. Case No. 627 of 2021 there is recovery of only one country made revolver which was allegedly used by Ranjeet who opened fire on the deceased lady and if it is found that the recovery was of more than one countrymade revolver, his bail order may become infructuous.

Learned A.P.P. after going through the records submits that it has come in the case diary that the name of accused persons came up during investigation and further despite the fact that they are in jail are giving threat to the informant and the witnesses.

The same is taken into record and the concerned police station is directed to look into the matter and provide necessary protection to the informant and the other witnesses.

Taking into account the aforesaid submissions of the learned Senior Counsel Mr. Yogesh Chandra Verma as well as Mr. Virendra Kumar, learned counsel who appears in Cr. Misc. No.42096 of 2022 (Rahul Kumar vs. The State of Bihar), as the charge-sheet stands submitted and they are in custody since 28.11.2021 and 17.01.2022 respectively, and as per the



investigation complicity of Rohit Kumar has come and allegation of firing is on Ranjeet Kumar, this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sessions Trial No.328 of 2022 arising out of Naubatpur P.S. Case No.623 of 2021 to the satisfaction of learned Additional Sessions Judge, VI, Danapur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the Trial to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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