

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52387 of 2021

Arising Out of PS. Case No.-251 Year-2021 Thana- FATUA District- Patna

CHHOTU YADAV @ CHHOTU KUMAR, Son of Bharosi Singh, Resident
of Balwa, P.S. Fatuha, District Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Ms. Preety Kunwar, Advocate
For the Informant	:	Mr. Anisur Rahman, Advocate
For the State	:	Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 10-03-2022 Heard learned Senior Counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Fatuha P.S. Case No. 251 of 2021 instituted for the offences under
Sections 302/34 of the Indian Penal Code read with Section 27 of
the Arms Act.

Learned Senior Counsel for the petitioner submits that
the petitioner is in custody since 11.06.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that at 06:00 P.M. on 29.03.2021
Santosh Kumar and petitioner came to his house and took his son
(deceased) despite informant's objection saying that he will come
soon. Further, the informant and his wife saw that three named



accused were waiting near the house of Sukkhu Singh and as soon as the deceased reached there, accused Manish Kumar was handed a pistol by Shambhu Singh and on orders of Bharosi Singh, Manish Kumar shot the deceased who died at the spot. It is further submitted that the occurrence has also been witnessed by one Mohan Kumar.

Learned Senior Counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that as far as this petitioner is concerned, he is alleged to have called the son of the informant along with Santosh Kumar and thereafter when all the three went out of the house it is alleged that Manish Kumar on orders of Bharosi Singh shot the deceased by a gun handed over by Shambhu Singh. Learned Senior Counsel, thus, submits that petitioner is not the assailant, at best it is alleged that he called the son of the deceased along with Santosh Kumar. Learned Senior Counsel further submits that if the deceased had any apprehension that the petitioner would get him kill then definitely the petitioner would not have accompanied him, when in the FIR it is alleged that the informant was asked him the deceased not to accompany. It is, thus, submitted that even assuming what is alleged in the FIR is true then the assailant is Manish Kumar. Learned Senior Counsel further submits that from perusal of the allegation as alleged in the FIR, it would manifest



that the informant has not disclosed any motive for the occurrence.

Learned A.P.P. for the State and learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner but are not able to meet the submission of the learned Senior Counsel for the petitioner that at best the petitioner is alleged to have called the deceased and is not the assailant.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and taking into consideration the submissions made by the learned Senior Counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Patna City/successor Court in connection with Fatuha P.S. Case No. 251 of 2021.

(Satyavrat Verma, J)

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