

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.58475 of 2021

Arising Out of PS. Case No.-330 Year-2021 Thana- JAMUI District- Jamui

Karan Sah @ Karan Kumar, Son of Surendra Prasad Saw, Resident of Village Nimarang, P.S. + Dist. - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 07-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Jamui P.S. Case No. 330 of 2021 for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that nine named accused persons including this petitioner and 10-15 unknown persons variously armed surrounded the son of the



informant and brutally assaulted. It is alleged that co-accused Tuntun Yadav @ Tiger and all other accused persons started indiscriminate firing due to which his son succumbed to the injury, thereafter the accused persons including this petitioner fled away from the place of occurrence by resorting firing.

It is submitted on behalf of learned counsel for the petitioner that there is general and omnibus allegation against all the accused persons and the specific allegation has been levelled against Tuntun Yadav @ Tiger. It is next submitted by the learned counsel for the petitioner that the post-mortem of the deceased was conducted by the Medical Officer, Sadar Hospital, Jamui, but the same does not support the prosecution case, as except one fire-arm injury, there is no other injury was found on the body of the deceased, which falsifies the prosecution case. It is further submitted that even from perusal of the F.I.R. it appears that the informant is not the eye witness of the alleged occurrence. It is next submitted that this petitioner is a student of B.A. final year having clean antecedent and is in custody since 12.08.2021 and he gives undertaking that he will cooperate in the trial.

On the other hand, learned APP for the State has vehemently opposed the prayer for bail of the petitioner and



submits that all the accused persons have assaulted the deceased and made indiscriminate firing.

Having considered the submissions made on behalf of the parties and taking into consideration the materials available on record especially the fact that there is general and omnibus allegation against all the nine accused persons and 10-15 unknown persons and only one injury has been found on the person of the deceased, as is evident from the post-mortem report, which is contradictory to the prosecution case, apart from the fact that the petitioner is a student of B.A. final year having clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 330 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

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

