

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50664 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- CHANDRAMANDI District- Jamui

SHYAM SUNDER PUJHAR @ SUNDER PUJHAR Son of Ganauri Pujhar
R/V- Ambatanr, P.S- Chandramandih, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel appearing for the petitioner
and learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Chandramandih P.S. Case No. 56 of 2022 for the offence
punishable under Sections 302,120(B), 379 and 34 of the Indian
Penal Code .

The case of the prosecution, in brief, is that on
28.03.2022 at about 11:30 P.M. in the night, the brother of the
informant, namely, Siyaram Rai was killed. It is alleged that
when the informant and his family members were at their house,
they heard the voice of the deceased, who was raising an alarm
for help, whereupon the informant reached at the place of
occurrence and saw that the body of his brother was lying in a
pool of blood and the co-accused persons, namely,



Bhubneshwar Singh, Naresh Singh, Nunu Singh, Basant Singh and Shrikant Singh were assaulting him. It is also alleged that the petitioner and one other co-accused person, namely, Puran Rai were also standing there, variously armed. It is further alleged that while the brother of the informant was groaning and was trying to save himself, the co-accused person namely Bhubneshwar Singh had hit the deceased brother of the informant with burnt brick (*Jhama*) resulting in him receiving grievous injury, whereupon he succumbed to his injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 12.04.2021. The learned counsel for the petitioner has also submitted that a bare perusal of the FIR would show that the petitioner has not been alleged to have assaulted the deceased brother of the informant and he is merely stated to be standing near the place where five other co-accused persons were present and were assaulting the deceased. It is also submitted that the petitioner has got no role to play in the alleged incident inasmuch as no allegation has been levelled against him of him having engaged in any sort of specific overt act.

Per contra, Shri Jagdhar Prasad, the learned A.P.P.



appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds, upon a bare reading of the F.I.R., that the petitioner has not been alleged to have assaulted the deceased apart from the fact that he is languishing in custody since 12.04.2022, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail upon him furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Jamui in connection with Chandramandih P.S. Case No. 56 of 2022.

(Mohit Kumar Shah, J)

S.Sb/-

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

