

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65971 of 2021**

Arising Out of PS. Case No.-202 Year-2021 Thana- DUMRA District- Sitamarhi

Shubham Kumar Son Of Subodh Kumar Jha @ Subodh Jha Resident Of
Village - Madhopur, P.S.- Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56119 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- DUMRA District- Sitamarhi

Anil Kumar Yadav @ Anil Yadav Son Of Sri Ram Sneshi Prasad Yadav
Resident Of Village- Ranjitpur @ Gobipur Daur, P.S.- Punaure, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60071 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- DUMRA District- Sitamarhi

Suwansh Rai @ Subans Rai Son Of Ramdeo Rai Resident Of Janki Asthan,
Riga Road, Ward No. 1, P.S. And District- Sitamarhi- 843302.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60901 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- DUMRA District- Sitamarhi

Ramji Rai Son of Ram Naresh Rai Resident Of Village - Vishwanathpur, P.S.
- Dumra, Distt. Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 68854 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- DUMRA District- Sitamarhi

Krishna Jha S/O Vinod Jha R/O Village- Sahiyara, Ward No. 7, P.S.- Sahiyara,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 6346 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- DUMRA District- Sitamarhi

Angad Kumar Gupta Son Of Lal Babu Gupta @ Lal Babu Prasad R/O
Village- Sonapatti Ward No.8, P.S.- And District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65971 of 2021)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
Mr.Ritesh Kumar Narain Singh

For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP
(In CRIMINAL MISCELLANEOUS No. 56119 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
Mr.Udbhav

For the Opposite Party/s : Mr.Binod Kumar
(In CRIMINAL MISCELLANEOUS No. 60071 of 2021)

For the Petitioner/s : Mr.Subodh Kumar

For the Opposite Party/s : Mr. APP

(In CRIMINAL MISCELLANEOUS No. 60901 of 2021)

For the Petitioner/s : Mr. Ajay Thakur, Sr. Advocate
Mr.Ashhar Mustafa

For the Opposite Party/s : Mr. APP

For the Informant : Mr. Dwij Raj, Advocate

(In CRIMINAL MISCELLANEOUS No. 68854 of 2021)

For the Petitioner/s : Mr.Alok Kumar Jha

For the Opposite Party/s : Mr.Uday Chand Prasad

(In CRIMINAL MISCELLANEOUS No. 6346 of 2022)

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.Md. Aslam Ansari



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 14-11-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with Dumra P.S. Case No. 202 of 2021 (G.R. No. 2440 of 2021), registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case as emerges from the FIR is that on 03.06.2021, informant's son, namely, Nand Kishore, was shot at by unknown miscreants at Mahila College Road, when he went for morning walk. Thereafter, the informant and his family members took him to the hospital, where he was declared dead.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that the petitioners are not named in the FIR because the FIR has been lodged against unknown. The whole case is based on suspicion and hearsay. During the investigation, police has recorded only



confessional statement before itself and confessional statement of the co-accused implicating the petitioners also. But, in pursuance of such confessional statement of the accused-petitioners, no recovery has been made. They further submit that except the confessional statement, there is nothing on record to connect the petitioners with the alleged offence. They further submit that investigation in this case is complete and charge-sheet has already been submitted. They further submit that anticipatory bail has been granted to two co-accused persons, namely, Vasim Anwar and Jitesh Jha vide orders dated 18.04.2022 and 16.06.2022 passed in Cr. Misc No. 62085 of 2021 and Cr. Misc No. 24834 of 2022, respectively, by different Co-ordinate Benches of this Court.

The petitioners, namely, Shubham Kumar, Krishna Jha, Ramji Rai, Suwansh Rai, Anil Kumar Yadav, and Angad Kumar Gupta have been languishing in jail since 02.08.2021, 27.06.2021, 10.06.2021, 04.06.2021, 10.06.2021 and 30.06.2021 respectively.

It is also stated in paragraph no. 2 of the petition



that the petitioners have never moved earlier before this court for grant of regular bail or anticipatory bail.

It has further been stated in paragraph No. 3 of the petition that the petitioners, namely, Shubham Kumar in Cr. Misc No. 65971 of 2021, Ramji Rai in Cr. Misc. No. 60901 of 2021 and Suwansh Rai @ Subans Rai in Cr. Misc. No. 60071 of 2021 have earlier been made accused in one (1), twelve (12) and five (5) other cases, respectively.

However, Ld. APP for the State and Mr. Sumit Jha, appearing for Mr. Dwij Raj, Ld. Counsel for the Informant vehemently opposes the prayer of the petitioners for bail stating that the alleged offence is very serious in nature and charge-sheet has already been submitted. However, Learned Counsel for the petitioners submit that Charge in this case has yet not been framed.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial



Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 202 of 2021 (G.R. No. 2440 of 2021) on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their



criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

However, all the petitioners are directed to be present on the next date fixed for framing of charge. In case they don't attend the Court on the date of framing of charge, their bail bonds may stand cancelled.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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