

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19236 of 2023**

Arising Out of PS. Case No.-975 Year-2022 Thana- SIKARPUR District- West Champaran

JITENDRA SONI @ JITENDRA KUMAR SONI @ JIMMI SONI SON OF
KRISHNA PRASAD @ KRISHNA SONI R/O MOHALLA PRAKASH
NAGAR WARD NO.13, P.S.- SHIKARPUR, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patnajali Rishi, Ms. Prerna Rishi

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

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 18-07-2023 Heard Mr. N.K. Agrawal, learned senior counsel for

the petitioner, Mr. Ramakant Sharma, learned senior counsel for

the informant and learned APP for the State.

The petitioner is languishing in custody in a case
registered for the offences punishable under Sections 302, 307,
120(B), 34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case as per F.I.R is that on
02.12.2022, the relative of the informant informed him that his
son Rajesh Kumar is injured by fire arm near Trimuhan. The
informant then reached there and saw his injured son. He told
the informant that Md. Firdaush, Akhter, Monu Sharma shot at
him. Informant further alleged that his son also informed him



that those miscreants also fired upon the petitioner, which hit his left leg and petitioner was lying there in injured condition. The son of the informant as well as petitioner both were taken to GMCH, Bettiah hospital, where the son of the informant was declared brought dead.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and his name subsequently sprang up during the course of investigation. Specific allegation of firing is against co-accused Md. Firdaus Akhtar, Monu Sharma. Petitioner himself got bullet injury. There is no consistent material or evidence against the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 6.7.2023 passed in Cr. Misc. No. 18871 of 2023.

Learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted petitioner had conspired along with other co-accused persons in the commission of murder of the son of the



informant.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 975 of 2022 subject to following conditions:

(1) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police/court whenever his presence is required.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

