

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18142 of 2023

Arising Out of PS. Case No.-216 Year-2020 Thana- SARAI RANJAN District- Samastipur

Rajeev Kumar Jha @ Bhattu Jha Son Of Ram Pramod Jha R/O Village-
Bhojpur, P.S.- Sarairanjan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-08-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302 and 120B of the Indian Penal Code and Section 27 of Arms Act.

3. Prosecution case in short, is that, the petitioner along with other co-accused persons came at the house of the informant and the co-accused, namely, Golu Kumar shot the informant's father-in-law on chest with two bullets by firearm thereafter, the petitioner came and fired on his temporal region resulting to his death. It is further alleged that the petitioner along with other co-accused persons fled from that place on their motorcycles.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to land dispute. It is further submitted that as per prosecution case, the direct allegation of opening fire is against the petitioner as well as other co-accused person, namely, Golu Kumar who fired upon the informant's father-in-law due to which he shot dead. Further, the co-accused person, namely, Golu Kumar has not been sent up for trial and the charge sheet has been submitted against the present petitioner. The postmortem report suggests that four entry wound found on the body of the deceased which is not corroborated with the prosecution version which creates doubt on the authenticity of the FIR version and as such the prosecution version is itself contradictory. It is also submitted that during the course of investigation, as per prosecution version, the informant is the eye witness of the alleged occurrence and according to her, petitioner along with co-accused Golu Kumar opened fire upon the deceased. Moreover, the petitioner is languishing in judicial custody since 29.01.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.



6.Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sarairanjan P.S. Case No. 216 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur.

(Sunil Kumar Panwar, J)

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