

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30165 of 2023

Arising Out of PS. Case No.-651 Year-2022 Thana- JAKKANPUR District- Patna

RITU RAJ SON OF LATE SURENDRA KUMAR R/O-KACHCHITALAB,
P.S.-GARDANIBAGH, DISTT.-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Senior Advocate Mr. Deepak Kumar Singh, Advocate Mr. Upendra Kumar Singh, Advocate Mr. Rupdra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Jakkanpur P.S. Case No. 651 of 2022 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 18.11.2022.

The allegation against the petitioner is to commit murder of one Rahul Kumar, who is brother of informant and a nearby shopkeeper, by causing firearm injury, along with other co-accused persons, where, occurrence arises out of some business disputes, where, petitioner admittedly is the Area Manager of



Britania Biscuit Company.

Learned senior counsel, Mr. Sanjay Singh, while appearing on behalf of the petitioner submitted that even as per narration of the FIR, the first fire is alleged to be caused by co-accused Banti Kumar, as thereafter a fire was also made by this petitioner hitting deceased. It is submitted that though informant claims to be an eye-witness of the occurrence, but the narration of FIR creates a doubt, for the reason in manner it was narrated. It is pointed out by learned senior counsel that during course of investigation several eye-witnesses were examined, who are nearby shopkeeper and upon whom the fire was also opened. In support of his submission, learned senior counsel pointed out the statement of eye-witnesses, namely, Vinay Kumar and Aman Kumar @ Pintu, who stated specifically that the death of brother of informant was caused by the firing made by one Keshav Raj @ Kunal, instead of this petitioner, where, maximum allegation against this petitioner was raised to call Keshav Raj @ Kunal at place of occurrence. It is further submitted that upon postmortem report only single injury, caused by firearm was noticed, which further creates a doubt regarding allegation, as raised through present FIR. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already



submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that petitioner actively participated in occurrence and his presence even stated thereof by eye-witnesses also.

Considering the facts and circumstances as mentioned above and by taking note of fact, as specific allegation, as to cause fatal firearm injury appears to surfaced against one Keshav Raj, during course of investigation, not against this petitioner as per version of eye-witnesses of this occurrence coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 18.11.2022, accordingly, above named petitioner, is directed to be released on bail in connection with Jakkanpur P.S. Case No. 651 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXI, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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