

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32596 of 2023

Arising Out of PS. Case No.-316 Year-2019 Thana- LAXMIPUR District- Jamui

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ANKIT KUMAR SON OF NAVIN KUMAR BANALI RESIDENT OF
VILLAGE- LAXMIPUR, PS- LAXMIPUR, DIST- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajiv Kumar Singh, Senior Advocate
		Mr. Jitendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Prabhat Ranjan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-07-2023 Heard learned counsel appearing on behalf of the parties.

2. The present case was taken on Board, out of mentioning, on the ground of illness of this petitioner.

3. The petitioner seeks bail in connection with Laxmipur P.S. Case No.316 of 2019 registered for the offence under Sections 147, 148, 149, 302, 307, 323 and 324 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is in custody since 16.03.2023.

5. The allegation against the petitioner is to commit murder of brother of the informant, along with other co-accused persons/family members, by assaulting with sword,



farsa, fasuli, etc., where, occurrence is arises out of long standing land dispute. The allegation as to throw chilli powder to the eyes of the informant is also raised against accused persons including this petitioner.

6. Learned Senior counsel appearing on behalf of the petitioner submitted that the informant, who is claiming to be an eye-witness of the occurrence, not attributed any specific overt act against this petitioner, causing death of brother of the informant. It is submitted that contributory allegation regarding fatal assault is specifically raised through the narration of present FIR against other co-accused persons, namely, Babita Kumari, Baban Kumar, Guddu Paswan, Navin Banoli and Nandan Kumar. It is submitted that implication of this petitioner is only being member of mob and as one of the agnate of the informant, having pending long standing land dispute. It is further pointed out by learned senior counsel that co-accused persons, namely, Babita Kumari and Guddu Paswan have already granted bail by different learned co-ordinate Bench of this Court, through Cr. Misc. No. 4335 of 2020 dated 04.03.2020 and Cr. Misc. No.43692 of 2021 dated 10.02.2022, respectively. While concluding the arguments, it is submitted that petitioner found involved in 02 more criminal cases, where,



he is on bail one case and in another case, final form submitted, after investigation 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.

7. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that this is a case of collective assault and broad day light brutal murder of brother of the informant. It is further pointed out by the learned counsel for the informant that petitioner was absconder for long 4 years, and as such his case cannot be said on parity *qua* other co-accused persons, namely, Babita Kumari and Guddu Paswan.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as informant, who is claiming to be an eye-witness of the occurrence is not specifically attributed any overt act against this petitioner, causing death of his brother rather same is available against other co-accused persons coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 16.03.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Laxmipur P.S. Case No.316 of 2019, on furnishing bail bond of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jamui/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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