

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57585 of 2022

Arising Out of PS. Case No.-647 Year-2021 Thana- SARAIYA District- Muzaffarpur

PRASHANT S/o Narendra Singh Police has wrongly remanded the petitioner in the name of Golu Kumar @ Nishant, R/o village- Ayodhpur, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjanad, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-02-2023 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Saraiya PS case no. 647 of 2021 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

The case of the prosecution in brief, according to the informant, is that on 15.09.2021 at about 10 am, two persons namely Rakesh Kumar and Keshav Kumar along with co-villagers namely Abhimanu Kumar, Ankit Kumar and Satish Kumar had arrived at the house of the informant and had taken meal there. It is also alleged that at about 2 pm, when the informant was watching T.V., he heard sound of two gun shot firing and had then gone towards his dalan, where he saw his son lying in a pool of



blood and in front of his son, the co-accused persons namely Rakesh Kumar and Keshav Kumar were sitting on a chair and one of them was holding a pistol in his hand while the other three accused persons namely Abhimanu Kumar, Ankit Kumar and Satish Kumar were standing there. Thereafter, the son of the informant is stated to have been taken to the hospital, where he was declared dead.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 10.03.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in one another case but he is on bail in the said case. It is next submitted that a bare perusal of the F.I.R. would show that the petitioner has not been stated to be present at the alleged place of occurrence, hence, he has got no complicity in the matter. It is also submitted that later on, during the course of investigation, the name of the petitioner has transpired on account of him having been alleged to be also present at the place of occurrence. Lastly, it is submitted that co-accused person namely Rakesh Kumar, who was sitting in front of the deceased, has already been granted bail by a co-ordinate Bench of this Court vide order dated 19.12.2022, passed in Cr. Misc. no. 11394 of 2022.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a bare perusal of the F.I.R. shows that the petitioner was not present at the alleged place of occurrence and he has not been named by the informant apart from the fact that the person who was present at the place of occurrence, has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-IVth, Muzaffarpur in connection with Saraiya PS case no. 647 of 2021.

(Mohit Kumar Shah, J)

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