

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55258 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- LAKHISARAI District- Lakhisarai

ABHISHEK KUMAR @ SONU KUMAR Son Of Late Ram Bilash Singh
R/O Village- Babhangama, P.S.- Lakhisarai, (AMAHARA O.P.), Distt.-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate

Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

8 03-05-2023 1. Heard learned senior counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Lakhisarai P.S. Case No. 03 of 2022, dated 03.01.2022
registered for the offences punishable under Sections 302,
120(B), 34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. As per the prosecution, four unknown persons shot
dead informant's son Prasun Kumar and one Bihari Singh, over
previous enmity and fled from the alleged place of occurrence.

4. The main submissions advanced by learned senior
counsel appearing for the petitioner are that in the instant matter
four named and four unknown accused persons have been
mentioned in the FIR and they were alleged to be involved in



the alleged occurrence of double murder and during investigation the informant's re-statement and statements of some other material witnesses were recorded and they stated that the main dispute was in between the deceased and co-accused, Sudhir Kumar with regard to a *Carbine* and the co-accused, Sudhir Kumar always pressurized the deceased to become a member of his *Gang* and during investigation statements of three co-accused persons were recorded, upon which the prosecution is relying but the said accused persons except one did not reveal the name of this petitioner as being involved in the commission of the alleged murder and the police also investigated the matter on the basis of call details of the co-accused persons and the petitioner was not found to be in contact with any of the said co-accused persons and there was not a good relation in between the deceased and the petitioner and petitioner's location was not found near the place of occurrence at the relevant time of the commission of the alleged occurrence. Further submission is that the petitioner has been languishing in jail since 08.04.2022 having fair and clean antecedent.

5. Learned APP appearing for the State has opposed the prayer for bail and submitted that the instant matter relates



to double murder and petitioner is named in the FIR and informant and some other material witnesses revealed his role in the commission of alleged murder and admittedly there was not a good relation in between the deceased and the petitioner.

6. Heard both the sides and perused the FIR, case diary of this case and the order impugned. Though the petitioner is named in the FIR but his specific role in commission of the alleged occurrence has not been revealed and it is an admitted position that there was not a good relation in between the petitioner and the deceased and in this regard the statements of witnesses mentioned in paragraph No. 94 and 95 of case diary are relevant. As per restatement of the informant and statements of some other material witnesses, co-accused Sudhir Kumar, always pressurized the deceased to join his gang and hand over a *Carbine* weapon to him and during investigation the said co-accused and other co-accused persons were arrested and their statements were recorded and prosecution placed reliance upon them but among the said co-accused persons some of them did not reveal the name of this petitioner as being involved with them in the commission of the alleged occurrence, though one co-accused revealed the name of this petitioner but according to his statement the petitioner was not one of the assailants and he



was simply asked to stand near the house of the victims and keep watching them and according to the statements of co-accused persons the main assailant were three co-accused persons namely, Sudhir Kumar, Raj Kumar and Kartik Kumar. During investigation, police investigated the contact through communication in between the accused persons on the basis of their call details and the main communication was found in between the co-accused persons and in this regard the details given in paragraph Nos. 94 and 95 of case diary is relevant and here it is relevant to mention that at the place of occurrence three used cartridges and one head portion of a used bullet were found while as per allegation, altogether eight persons fired indiscriminately at the deceased persons and the said fact shows that the allegations were levelled in the FIR exaggeratedly. Considering all these facts and mainly petitioner's custody period, his fair and clean antecedent and the completion of investigation against him and also the fact that one similarly situated co-accused person namely, Rajkumar Singh @ Rajkumar has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 22409 of 2022, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Lakhisarai P.S. Case No. 03 of 2022.

(Shailendra Singh, J.)

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