

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71112 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- JALALPUR District- Saran

=====

ROHIT KUMAR S/O PRAMOD KUMAR KUWAR VILLAGE- BANGARA
NADIPAR P.O.- PUCHRI, PS. JALALPUR, DIST. SARAN (CHAPRA),
BIHAR- 841403

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Amrit Kumar, Advocate.
For the State	:	Mr. Mukesh Kumar Singh, APP
For the informant	:	Mr. Shams Akhtar, Advocate.

=====

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Jalalpur P.S. Case No. 154 of 2023 dated 29.6.2023 registered for the offence punishable under Sections 342, 147, 148, 149 and 302 of the Indian Penal Code.

3. As per prosecution case, husband of the informant who had been working as Munshi of one Md. Ali @ Bacchu Miya in his factory, dealing with bones, did not return after his work and later on the informant came to know that her husband was brutally assaulted and killed by anti social elements when his vehicle broke down. At the instance of one Md. Shafaqat who was with the husband of the informant, the informant



named six persons in the First Information Report apart from 20-30 unknown persons for being involved in the said occurrence of killing of her husband. The name of the petitioner transpired during investigation as one of the persons also involved in the offence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No occurrence has taken place in the manner as alleged. Petitioner has been made accused being a local resident and since he was having antecedent of two cases but he is not involved in the instant case in any manner. The petitioner was working as electrician and has responsibility of feeding his whole family. He was not even present at the place of occurrence. Learned counsel submits that postmortem of the deceased shows only two injuries, both are on legs, and the death is said to have been caused by ante-mortem injuries. There is no evidence of any assault on any vital part of the body. It falsifies the accusation against the petitioner and other accused persons. Learned counsel further submits that in fact the deceased died in a car accident while he was trying to flee with the the owner of Bone Factory who came at the place of occurrence with his goons and created the whole scene of



communal disturbance. Learned counsel also submits that prosecution story is a concocted version of the original incident whereby the locals have been made accused in an arbitrary manner just because they had objected stoppage of the vehicle carrying bone of the animals in front of the temple. The owner of the factory is having political connections and in order to teach them a lesson sent his son along with goons to create ruckus and in this commotion when the locals tried to retaliate, Md. Shafaqat started to flee and in the melee his car ran over the deceased when he tried to board the car. Learned counsel next submits that the petitioner is not named in the First Information Report and he has been made accused merely on the basis of self confessional statement and on the basis of saying of so-called informer of the police. The petitioner was apprehended from his residence and nothing has been recovered from his conscious possession. The petitioner is in custody since 30.6.2023 and charge sheet has been submitted.

5. Learned APP and informant have vehemently opposed the prayer for bail. Learned counsel for the informant submits that the husband of the informant was brutally assaulted and beaten by the petitioner and other co-accused persons on account of which he lost his life. It is a case of mob lynching.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and vague nature of allegation without any material to connect the petitioner with the offence alleged, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM XIII, Saran at Chapra/concerned court, in connection with Jalalpur P.S. Case No. 154 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

S.Ali/-

U		T	
---	--	---	--

