

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72327 of 2022

Arising Out of PS. Case No.-363 Year-2022 Thana- CHAKIA District- East Champaran

PRAMOD KUMAR S/o Late Nandlal Prasad R/o Village- Kunwba at present- Laxmi Market, Kesariya Road, P.S.- Chakiya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigank Mauli, Sr. Advocate
For the Opposite Party/s	:	Mr.Dilip Kumar No. 1, APP
For the informant	:	Mr. Karandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner seeks regular bail in connection with Chakia PS case no. 363 of 2022 instituted for the offences punishable under Sections 302 and other allied sections of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having arrived at the field of the informant, where the informant, his elder brother namely Shambhu Chaudhary (deceased) and his nephew were carrying out agricultural activities. It is also alleged that co-accused



person namely Manish Kumar had caught hold of the brother of the informant, whereupon the co-accused person namely Prabhat Kumar had hit him on his head with a sword and then the co-accused person namely Ram Ayodhya Paswan had also attacked the informant with a sword and then the petitioner had ordered the co-accused persons to catch hold of the informant and kill him, whereupon all the accused persons had attacked the informant. It is also alleged that the elder brother of the informant namely Shambhu Chaudhary who was assaulted by co-accused namely Prabhat Kumar had succumbed to his injuries, subsequently.

The learned Senior counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 22.08.2022. It has further been submitted that a bare perusal of the impugned order dated 21.11.2022 would show that during course of investigation, the police has seized CCTV footage, which clearly shows that the petitioner was not present at the place of occurrence. It is also submitted that the police, after investigation, had filed a final form dated 10.10.2022, wherein the petitioner had not been sent up for trial and the incident in question *qua* the petitioner was



found to be untrue, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State as also the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that the petitioner is the kingpin and had organized the alleged crime.

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 there is no allegation of the petitioner having engaged in any sort of specific overt act apart from the fact that the police, upon investigation, has found the alleged incident to be untrue, as far as the petitioner is concerned, I deem it fit and appropriate to direct for release of the petitioner on bail, on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of 12th Additional District and Sessions Judge, East Champaran at Motihari in connection with Chakia PS case no. 363 of 2022.

(Mohit Kumar Shah, J)

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