

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73332 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- SALIMPUR District- Patna

Jyoti Kumar @ Chhotu @ Chhotu Kumar S/O Late Ram Kumar Singh R/O-
Nayatola, Jahangirpur (Rupas Mahaji), P.S.- Salimpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Priyanka Singh

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has filed the instant application for grant of regular bail in connection with Salimpur P.S. Case No. 187 of 2021 registered under sections 147, 148, 149, 341, 342, 323, 324, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in short, is that, the informant along with his son and nephew had gone to see crops and while they were coming back, heard sound of firing, wanted to escape by turning back but petitioner along with other co-accused persons caught hold him and his son but his nephew succeeded to flee. Further alleged that they were abused him and his son and pointed the weapons upon them. Thereafter, petitioner along



with other co-accused persons abused them and killed his son by firearm for not supporting his candidate.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case because of Panchayat Election disputes. It is further submitted that the allegation of shot fire is against three co-accused persons, namely, Jitesh Kumar, Kundan Kumar and Chhotu Kumar. They are said to have fired at the son of the informant. Further, from perusal of the postmortem report, there is only one entry wound on the middle thigh and one fracture of left femur bone, so the postmortem report does not in consonance with the prosecution version. Nothing cogent material came against the petitioner to implicate in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 01.07.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that there is allegation of shot fire by the petitioner along with other co-accused persons upon the son of the informant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Salimpur P.S. Case No. 187 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Barh.

(Sunil Kumar Panwar, J)

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