

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73659 of 2022

Arising Out of PS. Case No.-343 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Ravi Kumar Saxena @ Harendra Yadav @ Harendra Kumar S/O Late Gopal Prasad R/O Village- Saren, P.S- Makhdumpur, (Tehla O.P), District- Jehanabad

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Shatabdi Sinha, Advocate
	:	Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Makhdumpur (Tehta) P.S. Case No. 343 of 2019 registered for the offence under Sections 302/34 of the Indian Penal Code Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 02.11.2022.

The allegation against the petitioner is to commit murder of brother of informant along with other two co-accused



persons, who are none but brothers of the petitioner, by causing firearm injuries, where it is alleged that each of co-accused including petitioner fired bullet on three different vital parts of the body of the deceased causing his death during the course of treatment.

Learned senior counsel, Mr. Ramakant Sharma while appearing on behalf of the petitioner submitted that the petitioner was falsely implicated out of dirty village politics arises out of admitted land dispute between the parties. It is further submitted that the informant, who is brother of the deceased claimed to be an eye witness of the occurrence, specifically alleged that each of three co-accused fired upon his brother causing three bullet injuries but upon postmortem only two bullet injuries were be noticed, creating a serious doubt as regard to version of the informant and his claim to be an eye witness of the occurrence. It is also submitted that similarly alleged co-accused namely, Daroga Rai and Matwar Rai have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 15203 of 2020 vide order dated 15.06.2020 and Cr. Misc. No. 27409 of 2020 vide order dated 20.10.2020 respectively. While concluding the argument, it has been submitted that petitioner found involved



in one more criminal case, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel Mr. Sunil Kumar, for the informant, while opposing the prayer of bail submitted that petitioner was an absconder and he surrendered before the Court below after three years of the occurrence. It is also submitted that petitioner is the leader and master planner of the entire occurrence.

On taking note of submission, as advanced by learned counsel appearing on behalf of the informant, learned senior counsel, Mr. Ramakant Sharma further submitted that it is not a case of absconding, rather petitioner was in process to avail his legal right before the Hon. Apex Court, since he was in military service, where Hon. Supreme Court directed him to surrender before the learned Trial Court within three weeks of the order, dated 14.10.2022, as passed in Special Leave Petition (Criminal) Diary No(s). 27207/2022, pursuant to said direction petitioner surrendered on 02.11.2022, within time.

Considering the facts and circumstances as mentioned above, and by taking note of contradictory finding of gunshot



injury as per postmortem report *qua* statement of informant claiming to be an eye witness of the occurrence, let the petitioner, above named, is directed to be released on bail in connection with Makhdumpur (Tehta) P.S. Case No. 343 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Jehanabad/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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