

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74098 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- CHANDRAMANDI District- Jamui

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HURO PUJHAR Son of Late Matru Pujhar Resident of Village - Ambatar,
P.S.- Chandramandi, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Patel, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Learned counsel for the petitioner prays for and is permitted to make necessary correction in paragraph -14 of the petition.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is in judicial custody in connection with Chandramandi P.S. Case No. 56 of 2022 instituted under Section 302, 120(B), 379 and 34 of the I.P.C. lodged on 30.03.2022 by the informant Haresh Kumar Roy.

As per the FIR, the informant alleged that his brother was killed who was working as ‘Munsi’ on brickkiln. He further alleged that he and his family members were in house when he heard the cry of his brother. He reached there and found that his brother was laying in injured condition. He Further alleged that named accused person in the light of mobile assaulting his



brother. He further alleged that two other persons namely Puran Ray and Sundar Pujhar were armed with Tangi, rod and Knife. Further alleged that when his brother was crying for help at that time, Bhuneshwar Singh threw the Jhawa Bricks on his head. After hearing of the sound, other family members including ladies raised alarm then accused persons fled away. He further alleged that prior to the occurrence, accused persons came on brickskiln with intention to kill him, but left the place with warning that left the disputed land. The accused persons in conspiracy with each other killed his brother and took away rupees 9000/- as also with mobile worth rupees 12000/-. Accordingly, the FIR.

It has been submitted by learned counsel for the petitioner that he is not named in the FIR and it was only in the later that the lady widow of the deceased named her as reflects from para-13 of the petition, it is his further submission that main allegation is against Bhuneshwar Singh who has since been granted bail by a coordinate bench of this Court vide Cr. Misc. No.53334 of 2022 on 15.02.2023. Another co-accused Shayam Sundar Pujhar has also been released on bail by another coordinate bench vide Cr. Misc. No.50664 of 2022 on 09.12.2022. The further contention is that the allegation is of



28-03-2022, the postmortem was done on 29.03.2022 and it was only a day after that on 30.03.2022 that the fardbeyan was recorded which clearly shows that sufficient time was taken to implicate the accused persons in the present case. The last contention is that the petitioner do not have any criminal antecedent.

Let the two orders be kept on record.

Learned APP opposes the prayer stating that he has been named by the lady widow of the deceased.

Considering all the aforesaid factors as also the delay in lodging of the FIR, the petitioner was not named on earlier occasion despite delay in lodging of the FIR, the main allegation against Bhuneshwar Singh @ Bhubneshwar Singh, he has now been released on bail, the petitioner do not have criminal antecedent and is in custody 05.08.2022 (as stated in para-14), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chandramandi P.S. Case No. 56 of 2022 to the satisfaction of learned A.C.J.M. 4th, Jamui , subject to following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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