

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39648 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- LACHHUAR District- Jamui

Amit Kumar @Amit Thakur S/O Jogendra Thakur R/O Village- Markatta,
P.S. and District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 22-11-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Lachhuar P.S. Case No.97 of 2023 registered for the offence
under Sections 302, 120B/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Allegation against the petitioner is to have
committed murder of son of the informant, namely, Raja Kumar
and have also taken away a mobile belong to the Raja Kumar.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case, where, petitioner was not named
in the FIR and his name surfaced on the basis of confessional



statement of co-accused Laxmi Kumari as made in another case. It is submitted that nothing incriminating material surfaced during course of investigation, which may connect him with the present set of murder. It is also submitted that during dying declaration, injured Raja Kumar identified the photo of Chotu Kumar @ Namdeo, who has fired upon him and another co-accused, Sonu Kumar was driving motorcycle. It is further submitted that petitioner is in custody since 03.01.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. In view of the submissions, as made above and as name of the petitioner surfaced on the basis of confessional statement of other co-accused, namely, Laxmi Kumari, wife of the deceased and as it also appears from perusal of dying declaration of injured, namely, Raja Kumar that he has been identified the photograph of Chotu Kumar and Sonu Kumar and other accused persons present at the spot at the time of occurrence on 24.10.2023, where, present petitioner was under contact of Chhotu Kumar and Sonu and where the tower location of the present petitioner was around the place of incidence, which suggest the *prima-faice* involvement of the present petitioner, this Court is not inclined to grant bail to the



petitioner, at present.

7. Accordingly, the prayer of bail of the
petitioner is rejected herewith.

(Ramesh Chand Malviya, J)

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