

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39381 of 2024

Arising Out of PS. Case No.-683 Year-2023 Thana- JAMUI District- Jamui

Rahul Kumar, aged about 20 years, Male, Son Of Mantu Mandal, R/O Vill.-
Mahisouri, In-front of Oxford School, P.S.- Jamui, Dist.- Jamui.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jamui
P.S. Case No. 683 of 2023 dated 21.11.2023 registered for the
offences punishable under Sections 302, 120B of the I.P.C. and
Section 27 of the Arms Act.

3. As per prosecution case, on 21.11.2023 at around
8.10 P.M., the informant's father who was an advocate clerk in
the civil court, Jamui, was at his house, suddenly, one person
called his father outside the house, and he heard a gun shot
sound, when he came out side the house, he saw his father is
lying on the ground in a pool of blood and one person is fleeing
away from the place of occurrence. The informant further saw



the co-accused Amit Sinha is standing just outside his house. He further alleged that prior to the alleged occurrence, on several occasions, the co-accused Amit Sinha gave threatening his father that he would kill him. The reason behind the occurrence is a land dispute, for which, a title suit is pending against the co-accused Amit Sinha.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the F.I.R. The informant is not an eye witness to the alleged occurrence. Although the informant had seen one unknown person and the co-accused Amit Sinha at the place of occurrence who fled away after seen the informant. It is further submitted that during investigation, the wife of the informant has stated before the police that she has knowledge of two disputes related with her father-in-law (deceased). One is related to murder of the father of the co-accused Pritam Singh in which her father-in-law (deceased) was found present at the place of occurrence. There was business dispute between her father-in-law (deceased) and the father of the co-accused Pritam Singh. Although due to social pressure, no case was registered. When the co-accused Pritam Singh become major he was told by



someone that his father was killed by the informant's father Abhay Singh (deceased) and he has to take revenge for that. This information was given to the informant's wife by Gautam Singh, relative of the co-accused Pritam Singh. The second dispute was with the co-accused Amit Kumar who was seen by the informant at the place of occurrence. The police arrested the co-accused Pritam Singh and Sujit Kumar @ Nunu Halwai and on the basis of the confessional statement of the co-accused Sujit Kumar @ Nunu Halwai, the name of the petitioner has sprung up in the present case. It is further submitted that the said co-accused Nunu Halwai has been granted bail by a Bench of this Court vide Cr. Misc. No. 33606 of 2024 under order dated 09.05.2024. No incriminating article has been recovered from possession of the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 09.12.2023.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, let the above named petitioner, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two



sureties of the like amount each to the satisfaction of the learned
C.J.M., Jamui in connection with Jamui P.S. Case No. 683 of
2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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