

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43270 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- KAKO District- Jehanabad

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1. Jai Nandan Sharma @ Jai Nandan Singh S/o Ramta Singh R/o Village- Bira, P.S- Hulasganj, District-Jehanabad
 2. Niranjana Kumar @ Niranjana Singh S/o Ramta Singh R/o Village- Bira, P.S- Hulasganj, District-Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sameer Sawarn
For the Niraj Kumar	:	Mr. Niraj Kumar
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Kako P.S. Case No. 03 of 2024 dated 05.01.2024 registered for the offences punishable u/ss 147, 148, 149, 341, 342, 323, 307 & 302 of the Indian Penal Code and u/s 27 of the Arms Act.

3. As per the prosecution case, It is alleged that on 04.01.2024 the informant along with her daughter was returning on a scooty after attending Civil Court Jehanabad in regard to a land dispute case, when she reached near Kadarua over bridge, three FIR named accused persons armed with pistols in their



hands boarded on a motorcycle took over her scooty and stopped her. It is further alleged that all three accused persons have assaulted the informant and her daughter, in the meantime the co-accused Gaurav Kumar fired bullet on the informant's daughter and she died on the spot, when she raised alarm for help, one Uday Prasad came to help her then accused Sumit Kumar fired bullet on Uday Prasad and he got seriously injured. It is further alleged that on two motorcycles and a Scorpio, 10-11 named accused persons including the petitioners came there and they shot on the informant. It is further alleged that the main cause of murder is the marriage and illicit relationship of the informant's son-in-law, Gaurav Kumar with another girl.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the petitioners are only the order giver. There is general and omnibus allegation against the petitioners. There is no eye-witness of the alleged occurrence. There is no specific allegation of firing against the petitioners. The specific allegation of firing is against the co-accused, Gaurav Kumar and Sumit Kumar. Similarly situated co-accused has already been granted bail by this court vide order dated 04.07.2024 passed in Cr. Misc. No. 37283 of 2024. The petitioners have three criminal antecedents as stated in para



3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Jehanabad in connection with Kako P.S. Case No. 03 of 2024, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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