

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47362 of 2024**

Arising Out of PS. Case No.-426 Year-2023 Thana- JAHANABAD District- Jehanabad

Lav Sharma Son of Late Nawal Singh R/O Village- Mokar, Karauna O.P., P.S. and Dist.- Jehanabad, Bihar, Pin- 804454, At Present Mohalla- Shanti Nagar, Near Ghora Hospital, P.O. and P.S. and District- Jehanabad, Bihar, Pin- 804408

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      05-10-2024                      Heard learned counsel appearing on behalf of the petitioner, learned APP for the State and learned counsel appearing on behalf of the informant.

2. The petitioner has preferred this application for grant of regular bail in connection with Jehanabad Town P.S. Case No. 426 of 2023 dated 09.05.2023 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and under Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases and is in custody since 08.05.2024.

4. Learned counsel for the petitioner submitted that the informant alleges that on 08.05.2023, he along with her



husband (Chandan), mother-in-law (Sonamati), daughter (Shivanya) and her husband's friend (Shekhar) had gone to meet their aunt Sunita at Belaganj at 7:00 PM, further from Belaganj they returned for their home at 9:30 PM and they reached their home at 10:30 PM and after reaching, they parked their car in a compound and alighted from the vehicle and entered the lane of their house and informant along with her daughter reached near the gate of the house while Shekhar, her husband and mother-in-law were behind. It is next alleged that her husband according to his habit put on the torch and saw an unknown accused in the age group of 25-30 years, who fired indiscriminately (5-6) times at her husband and fled, further her husband received fire arm injury on his head, stomach, back and thighs and thereafter he was taken to hospital where he was declared dead. It is next alleged that her husband was having dispute with Mahesh, Sudheer, Niraj, Vijay, Dhiraj and petitioner with regard to money and tender on account of which, they had threatened to kill him, hence the accused in conspiracy got her husband killed by an unknown accused.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR it would manifest that the informant alleges that her husband was shot



dead by an unknown accused in the age group of 25-30 years. It is next submitted that the petitioner was not present at the place of occurrence rather based on suspicion has been named that they in conspiracy got her husband killed on account of pre existing dispute relating to money and tender. It is next submitted that petitioner had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 61696 of 2023 and the same was permitted to be withdrawn by an order dated 09.04.2024. It is further submitted that police during the course of investigation, arrested Rahul who is alleged to have shot the deceased. It is also submitted that the confessional statement of Rahul was recorded and he confessed about his participation in the crime and also disclosed that the deceased was troubling the wife of the petitioner as such the occurrence was committed in conspiracy with other accused persons named in the FIR. It is next submitted that Rahul had approached this Court seeking regular bail by filing Cr. Misc. No. 39140 of 2024 and the same was allowed by an order dated 04.07.2024 passed by a learned Co-ordinate Bench. It is further submitted that the name of the petitioner transpired in the confessional statement of Rahul and since Rahul has been granted bail as such the petitioner be also granted the privilege of regular bail. It is next submitted that the



petitioner will not abscond rather will co-operate in the trial to prove his innocence as charge-sheet has been submitted.

6. Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for regular bail of the petitioner and submit that during the course of investigation, the mobile of deceased (Chandan) was seized and from the same it transpired that deceased and wife of the petitioner were chatting regularly. It is also submitted that he was in relationship with the wife of the petitioner as such petitioner got the said occurrence committed, but then he is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that Rahul has been granted privilege of regular bail and the name of the petitioner has transpired in the confessional statement of Rahul.

7. Considering the submissions, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jehanabad Town P.S. Case No. 426 of 2023.

8. One of the bailer of the petitioner shall be his cousin namely, Satish Kumar.



9. However, it is made clear that if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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