

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48126 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- BASANHI District- Saharsa

Lotus Kumar @ Lotash Kumar Son of Rakesh Kumar @ Manoj Yadav @
Manoj Kumar @ Manoj Kumar Yadav Resident of Village- Mundichak, Ward
No. 01, P.S.- Salkhua (O.P. Banma Itahari), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 13-09-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.184 of 2024 (arising out of Basnahi P.S. Case no.46 of 2023) registered under sections 302, 307, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that two persons with their faces covered with towel fired on him as a result of which he sustained gunshot injuries. He suspects that it is as a result of land dispute that the eight named accused persons conspired to commit the crime. The informant having died four months later, section 302 of the Indian Penal Code was added.



4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. He was falsely implicated in the case in course of investigation on the basis of an alleged confessional statement of the petitioner made before police, even according to which it is co-accused Bittu Kumar who is the assailant. The petitioner is in custody since 21.12.2023, has no criminal antecedent and chargesheet has been submitted in the case. Learned counsel for the petitioner in reference to the supplementary affidavit filed, submits that charges have been framed in the learned trial Court on 10.7.2024. Learned counsel for the petitioner submits that the supplementary affidavit has been sworn by the father of the petitioner namely Manoj Yadav @ Manoj Kumar @ Manoj Kumar Yadav whose alias name is also Rakesh Kumar.

5. Let the description of the father of the petitioner in the party position be described as the petitioner being son of Rakesh Kumar @ Manoj Yadav @ Manoj Kumar @ Manoj Kumar Yadav.

6. The application for bail is opposed by learned A.P.P. for the State.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material



that has transpired against the petitioner in course of investigation, the petitioner not being the assailant even as per his confessional statement, not having any criminal antecedent, his being in custody since 21.12.2023 and charge having been framed in the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.184 of 2024 (arising out of Basnahi P.S. Case no.46 of 2023) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. III, Saharsa.

(Partha Sarthy, J)

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