

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51970 of 2024

Arising Out of PS. Case No.-630 Year-2023 Thana- MANER District- Patna

Govind Kumar Son of Jitlesh Kumar @ Jitlesh Paswan Resident of Vill.-
Devra, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2024

Heard the parties.

2. The petitioner is in custody in connection with Maner P.S. Case No. 630 of 2023 for the offence punishable under Sections 302, 34 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act lodged on 30.08.2023 by the informant, Kunal Kumar.

3. As per the prosecution story, the informant alleged that when his brother was sitting in his medical shop, due to previous land dispute, the accused persons including the named accused Jitendra Singh, Shashi Bhushan Singh and Chandra Bhushan Singh under conspiracy sent Chunnu Rai and Bishundhari Rai @ Sipahi Jee along with 4 -5 unknown persons, pretending as buyers of medicines, entered the shop and it is alleged that while unknown persons for a medicine, Chuunu Rai



and Bishundhari Rai @ Sipahi Jee resorted to indiscriminate firing causing serious injury to the informant's brother. They later, retreated. He was rushed to the Paras Hospital where the Doctor declared him dead. The reason has been assigned that the informant was having land dispute with Jitendra Singh's family for which scuffle took place earlier and Jitendra Singh, Shashi Bhushan Singh and Chandra Bhushan Singh had warned him of dire consequences. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that specific allegation of indiscriminate firing is on Chunnu Rai and Bishundhari Rai @ Sipahi Ji. He submits that name of one Ashish has also come as also one Awadhesh Rai who may have been the accused who went to the shop for purchasing medicine, the role of the petitioner is limited i.e. being in touch with the co-accused, Yashwant Kumar whose role has also come in the case. The last submission is that some of the accused persons including Jitendra Singh (Cr. Misc. No. 19687 of 2024) and Awadhesh Ray (Cr. Misc. No. 9275 of 2024) have been extended relief.

5. Learned APP opposes the prayer for bail submitting that his name has also cropped up in course of investigation

6. Taking into account the aforesaid submissions put



forward by the parties as also that the main allegation of indiscriminate firing is against Chunnu Rai and Bishundhari Rai @ Sipahi Jee, this petitioner at best has been found to be in conversation with Yashwant Kumar, do not have criminal antecedent and in custody since 30.12.2023(paragraph-1 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Danapur, Patna, in connection with Maner P.S. Case No. 630 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

