

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64631 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- JALALPUR District- Saran

1. Niranjan Kumar Son of Raghubansh Kumar@Raghuvansh Kuwar R/O Vill.- Bangra, Nadipar, P.S.- Jalalpur, Dist.- Saran At Chapra.
2. Uttam Kumar Son of Ramjanam Kuar R/O Vill.- Bangra, Nadipar, P.S.- Jalalpur, Dist.- Saran At Chapra.
3. Ankit Kumar Son of Surendra Kuwar R/O Vill.- Bangra, Nadipar, P.S.- Jalalpur, Dist.- Saran At Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Jalalpur P.S. Case No. 154 of 2023 dated 29.6.2023 registered for the offence punishable under Sections 342, 147, 148, 149 and 302 of the Indian Penal Code.

3. As per prosecution case, husband of the informant who had been working as Munshi of one Md. Ali @ Bacchu Miya in his factory, dealing with bones, did not return after his work and later on the informant came to know that her husband was brutally assaulted and killed by anti social elements when



his vehicle broke down. At the instance of one Md. Shafaqat who was with the husband of the informant, the informant named six persons in the First Information Report apart from 20-30 unknown persons for being involved in the said occurrence of killing of her husband. The name of the petitioners transpired during investigation as the persons who were also involved in the offence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No occurrence has taken place in the manner as alleged. Petitioners have been made accused being local residents and belonging to the Hindu community and they are not involved in the instant case in any manner. The petitioners were not even present at the place of occurrence. Learned counsel further submits that postmortem of the deceased shows only two injuries, both are on legs, and the death is said to have been caused by ante-mortem injuries. There is no evidence of any assault on any vital part of the body. It falsifies the accusation against the petitioners and other accused persons. Learned counsel further submits that in fact the deceased died in an accident while he was trying to flee with the owner of Bone Factory who came at the place of occurrence with his goons and



created the whole scene of communal disturbance. Learned counsel also submits that prosecution story is a concocted version of the original incident whereby the locals have been made accused in an arbitrary manner. The owner of the factory is having political connections and he sent his son along with goons to create ruckus and in this commotion when the locals started to retaliate, Md. Shafaqat tried to flee and in the melee his car ran over the deceased when he tried to board the car. Learned counsel next submits that the petitioners are not named in the First Information Report and they have been made accused merely on the basis of self confessional statement and on the basis of saying of so-called informer of the police. The petitioners were apprehended from their residence. Similarly placed co-accused Rohit Kumar has been granted bail by this Court vide order dated 08.11.2023 passed in Criminal Misc. No. 71112 of 2023. The petitioners are in custody since 23.05.2024 and charge sheet has been submitted.

5. Learned APP for the State vehemently opposes the prayer for bail. Learned APP submits that the husband of the informant was brutally assaulted and beaten by the petitioners and other co-accused persons on account of which he lost his life. It is a case of mob lynching.



06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and vague nature of allegation without any material to connect the petitioners with the offence as alleged, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM XIII, Saran at Chapra/concerned court, in connection with Jalalpur P.S. Case No. 154 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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