

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62742 of 2024

Arising Out of PS. Case No.-341 Year-2023 Thana- AMAS District- Gaya

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Gaurav Kumar, Male, aged about 23 years, Son of Surendra Kumar, R/O
Vill.- Koyri Bigha, P.S.- Gurua, Dist.- Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Aryan Singh, Advocate

For the Opposite Party : Mr. Mritunjay Kumar Nirala, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Amas
P.S. Case No. 341 of 2023 dated 27.09.2023 registered for the
offences punishable under Sections 302, 120B of the I.P.C. and
Section 27 of the Arms Act.

3. As per the prosecution case, on 27.09.2023 at
about 9.30 A.M., the informant, his father and brother were
getting their hair cut in the saloon of Karu. In the meantime,
three persons came on two motorcycles and called the father of
the informant after parking their motorcycles by the side of G.T.
Road. The informant also came out from the saloon and saw that
the said three persons were threatening to his father and said to



compromise with Marandi Jee, Manoj Yadav and Shashi Singh otherwise he would be killed. When his father refused then they started abusing him and one of them tried to obtain signature of his father but he refused to put his signature and started returning. In the meantime, one of them opened fire on the back of the informant's father, as a result of which, he fell down, thereafter, others also fired on the head and his father died on the spot. The informant and other persons ran towards the culprits but they succeeded to flee away on one motorcycle and they left one motorcycle at the place of occurrence. The informant believed that due to land dispute, Binod Kumar @ Marandi, Manoj Yadav, Praveen Kumar Yadav, Shashi Singh, Shashi Bhushan, Rashid Kalal and Pramod Kumar Mishra in conspiracy to each other committed murder of his father.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in his self confession and the confessional statement of the co-accused Arman Khan @ Armanullah Khan @ Fotu Khan and the said co-accused Arman Khan @ Armanullah Khan @ Fotu Khan has already been granted bail by a Bench of this Court Vide Cr. Misc. No. 61921



of 2024 under order dated 12.09.2024. No T.I.P has been conducted by the prosecution to ascertain the real culprit of the alleged offence. Nothing has been recovered either from the possession of the petitioner or from his house. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Sherghati, Gaya in connection with Amas P.S. Case No. 341 of 2023, with the conditions:-

(I) The petitioner is 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 petitioner are liable to be cancelled.

I. The learned court below shall verify the



criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the learned court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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