

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77386 of 2023**

Arising Out of PS. Case No.-417 Year-2023 Thana- BARAUNI District- Begusarai

LAXMAN KUMAR @ LAXMAN GAUTAM SON OF ANIL SINGH @
ANIL KUMAR SINGH RESIDENT OF VILLAGE - BISHANPUR -
CHATURBHUI, P.S. - MUFFASIL, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 77782 of 2023

Arising Out of PS. Case No.-417 Year-2023 Thana- BARAUNI District- Begusarai

Rakesh Gautam @ Rajesh S/O Chandrashekher Singh Village- Ratanpur, P.S.
Town, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 77386 of 2023)

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the informant : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Ramchandra Sahni, APP

(In CRIMINAL MISCELLANEOUS No. 77782 of 2023)

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the informant : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners seek regular bail in connection with
Barauni P.S. Case No. 417 of 2023 registered for the offence
under Sections 302, 201, 120(B) / 34 of IPC.



3. The prosecution case, in brief is that this case was lodged by Chhaya Kumari, informant wherein it is alleged that she alleged that on 11 / 12 August 2023 at about 11:00 P.M., her driver Mantu Kumar gave information to the Mobile No. 8252543052 and told that in the building of Amrit Singh near zero mile Hotel Royal Place. Amrit Singh, Tirath Singh, Rakesh Gautam and Laxman Gautam have committed murder of Ashutosh Kumar by firing and they fled away after board the dead body in a white Colour Scorpio bearing Reg. No. 4080. Further, alleged after getting information, she alongwith her child proceeded for seeing her husband from Patna at Sadar Hospital, Begusarai and saw the dead body of her husband was lying near the postmortem house, further alleged her husband (deceased) was doing the work of selling and purchasing of land and about eight day ago Tirath Singh had given threatening that solve the land dispute of Rinu, otherwise he will be killed by him. She stated that Amrit Singh alias Bhtla, Tirath Singh, Rakesh Gautam and Laxman Gautam have committed murder by firing to her husband. Further alleged the occurrence has been seen by Nilesh Kumar and Mantu Kumar.

4. Learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in the



present case. They are in judicial custody since 13.08.2023.

5. However, learned APP for the State as well as learned counsel for the informant vehemently opposed the prayer for regular bail. Learned counsel for the informant submits that the petitioners are involved for committing the murder of the deceased. Learned counsel for the informant further submitted that the petitioners were directly involved in the alleged occurrence and after killing the deceased person they were seem to be dragging the body of the deceased.

6. On perusal of the FIR, post mortem report, and impugned order dated 12.10.2023 passed by learned Additional Sessions Judge – IV, Begusarai, it appears that Mantu Kumar and Nilesh Kumar Chaudhari is eye witness of the occurrence, perusing the entire case diary, it appears that statement of Nilesh Kumar Chaudhari as recorded in para 3 of the case diary stated that co-accused Tirath Singh started firing indiscriminately at the deceased and there only specific allegation against the Tirath Kumar Singh the other eye witness has stated the same in his statement.

7. Considering the aforesaid facts and circumstances of the case and also taking into account the period of custody, let the petitioners, abovenamed, be released on bail on furnishing



bail bonds of Rs. 10,000/- (ten thousand) each with two sureties
of the like amount each to the satisfaction of learned C.J.M.,
Begusarai in connection with Barauni P.S. Case No. 417 of
2023.

(Ramesh Chand Malviya, J)

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