

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57708 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- MATIHANI District- Begusarai

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Gaurav Kumar Son of Arjun Ram Resident of Ward No. 05, Badalpura, P.S.-
Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S. K. Lal, Sr. Adv. Mr. Pritish Kumar Lal
For the State	:	Mr. Akshay Lal Pandit
For the Opposite Party/s	:	Mr. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 29-01-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of regular bail, arises out of Matihani Police Station Case No. 74 of 2023, dated 25.05.2023, disclosing offences under Sections 120B/324/326/302/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 24.05.2023, in the morning at about 11:00 AM, while the informant was at his home, co-accused Navneet Kumar came to his house and called his son Amit Kumar @ Chotu Kumar and after sometime the informant came to know from the villagers that his son was seen moving around the litchi orchard along with four persons, including the petitioner and co-accused Navneet Kumar.



It has further been stated that the informant at about 04:00 PM, on the same day, got the information that his son has been shot dead in the orchard.

4. Learned senior counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of confessional statement of co-accused Keshav Kumar. He next submits that as per the statement of the co-accused Navneet Kumar and one Nirmal Kumar, on the date of occurrence co-accused Neeraj and Dhiraj have shot at the son of the informant. Learned counsel further submits that subsequently, one Keshav Kumar was arrested, who in his statement recorded before the police has said that it was the petitioner who shot at the informant's son, accordingly, his submission is that there is contradiction in confessional statements. Admittedly, the co-accused Navneet Kumar had called the informant's son and took him along as per the FIR, but accused Neeraj and Dhiraj have shot at the informant's son, as per his confessional statement. The petitioner is in custody since 29.10.2023. The charge-sheet has already been submitted and the co-accused Navneet Kumar has been



acquitted by the trial court in Sessions Trial No. 209 of 2024.

5. On the other hand, learned counsel for the State submits that statement of co-accused Keshav Kumar has been recorded in paragraph-77 of the case diary, in which, he has said that Gaurav Kumar i.e. that petitioner and Nirmal Kumar called the informant's son and it was the petitioner, who shot at the deceased.
6. Regards being had to the submissions made by the parties and taking into consideration the fact that co-accused Navneet Kumar had called the informant's son as per First Information Report, but has not disclosed the name of the petitioner and the fact that the petitioner is in custody since 29.10.2023. The charge-sheet has already been submitted and there is no likelihood that the petitioner will abscond and/or temper with the evidence, accordingly, I am inclined to grant regular bail to the petitioner.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of



learned Additional Sessions Judge III, Begusarai, in connection to the Matihani Police Station Case No. 74 of 2023.

9. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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