

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55745 of 2024

Arising Out of PS. Case No.-614 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Ujjawal Kumar @ Awanish Kumar @ Avinish Kumar, Male, aged about 36
years, son of Late Madan Mohan Sharma @ Van Mohan Singh, resident of
Bhelura Rampur, P.S. Janipur, District-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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

ORAL ORDER

3 07-02-2025 Heard the learned counsel for the petitioner and the

learned APP for the State.

As per allegation in the FIR, on 21.07.2023 the
informant's husband, Ashutosh Shahi got several calls after
which he and his three bodyguards left the house at 22:30 hours.
The informant was telephonically informed that her husband
was killed at Advocate Quasim Hassan @ Dollar's house. One
of the bodyguards was also killed while the other two died in the
hospital after sustaining injuries. The informant alleged that her
husband was killed under a conspiracy.

Learned counsel for the petitioner submitted that the
petitioner is not named in the FIR and his name came up on the
basis of the confessional statement of one co-accused Vikrant
Kumar Shukla @ Vikku Shukla. He further submits that Vikrant
Kumar Shukla @ Vikku Shukla has already been granted bail in



Cri. Misc. No. 79072 of 2023. The petitioner was already in jail in connection with Phulwari (Janipur) P.S. case no. 1448 of 2023 under Section 399/402 IPC and 25 (1-b)a/26/35 of Arms Act and was remanded for custody after his name surfaced on 06.12.2023 when the F.S.L report dated 23.11.2023 revealed that the firing pin marks, breech face marks on the percussion cap of the fired shell of 0.45' calibre pistol found at the place of occurrence were similar to the firing pin marks, breech face marks on the percussion cap of the fired shell of 0.45' calibre pistol used in another case of Phulwari (Janipur) P.S. Case no. 1448 of 2023 indicating that the same pistol was used in both the cases. The 0.45' calibre pistol which was found at the place of occurrence was recovered from the petitioner on 09.10.2023, three months after the occurrence when he was apprehended in Phulwari (Janipur) P.S. Case No. 1448 of 2023. He further stated that from the time of purchasing the gun till the time the police recovered it from him, the pistol was in his possession.

Learned APP for the State vehemently opposed the prayer for bail.

Having perused the FIR, case diary and the materials available on record, it appears that, the petitioner was not named



in the FIR. The petitioner was remanded in custody from Phulwari (Janipur) P. S. Case No. 1448 of 2023 in the present case only on the basis of the F.S.L. report which indicated that the empty cartridges of the 0.45'calibre pistol found at the place of occurrence were similar to the empty cartridges of the 0.45'calibre pistol used in Phulwari (Janipur) P.S. Case No. 1448 of 2023. From the perusal of the case diary it is found that the petitioner purchased the pistol from an unknown person in July, 2023 after the date of occurrence. Apart from this, there are no materials available on record which shows that the petitioner was connected with the present case. In the absence of any cogent materials available on record which proves that the petitioner was involved in the present case, so I am inclined to grant bail to the petitioner.

Accordingly, let the above named petitioner 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 CJM, Muzaffarpur in connection with Muzaffarpur (Town) P.S. Case No. 614 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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