

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83370 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- GWALPARA District- Madhepura

1. Manjit Kumar s/o Chhatu Mukhiya @ CHHATHU MUKHIYA R/O Village- Shyam, PS- Gwalpara, Distt-Madhepura
2. Lakshman Kumar S/O Mohan Paswan R/O Village- Shyam, PS- Gwalpara, Distt-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Amarnath Jha, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For the Informant	:	Mr. Pawan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioners and learned APP for the State as also learned counsel for the Informant.

2. The petitioners seek bail in connection with Gwalpara P.S. Case No. 107 of 2024 instituted for the offence under Sections 302 & 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case in short is that on 01-06-2024, informant son was shot dead near Shambhu Mukhiya's house. Villagers witnessed the crime but hesitated to name the culprits out of fear.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 21-08-2024. Petitioners



bear one criminal antecedents each, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Petitioners are not named in the FIR. Name of the petitioners have transpired during course of investigation. There is no specific allegation against the petitioners, rather allegation is general and omnibus in nature. It is submitted that co-accused, namely, Prince Kumar is the main assailant, who has fired upon the son of the informant. There is delay of two days in lodging of the FIR. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioners. It is contended that petitioners' names have surfaced in criminal conspiracy and it is the accused, namely, Prince Kumar, on which allegation of firing is attributed, which fact is disclosed in confessional statement of petitioner No.1. As per postmortem report, cause of death is shock and haemorrhage caused by firearms, which clearly corroborates the allegation levelled.

7. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioners, there being no direct allegation against the petitioners and charge sheet being submitted, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners 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 Court below/concerned Court in connection with Gwalpara P.S. Case No. 107 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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