

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21580 of 2015**

Arising Out of PS.Case No. -25 Year- 2015 Thana -PIRBAHOR District- PATNA

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Guddu Kumar, S/o Late Shiv Nath Prasad, R/o Bakarganj, P.S.-  
Kadamkuan, District-Patna.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Dhirendra Kumar Sinha, Advocate.

For the Opposite Party : Mr. P.K.Chaurasiya(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3      08-09-2015      Heard both sides.

The petitioner seeks bail in a case registered for the offences punishable under Sections 394, 302 and other Sections the Indian Penal Code and under Sections 25(1-B)a, 26/27 of the Arms Act.

The brother of the deceased disclosed in his fardbeyan that two persons came on a Yamaha motorcycle and asked to handover the bag from his brother Munna Kumar Sah. The person who was pillion rider on the Yamaha motorcycle fired at his brother causing his death. The petitioner is not named in the FIR. Gauri Shankar Prasad who happens to be brother-in-law of the deceased confessed his guilt and disclosed the name of the petitioner.

It is submitted that during the course of investigation except suspicion no other tangible material has been collected. The confessional statement is made before the police, but the police for the reasons best known to him did not get the statement recorded under Section 164 of the Cr.P.C.

Learned counsel for the informant as well as the learned APP has submitted that the petitioner was hired by Gauri Shankar Prasad and he had killed the deceased at his residence. It is submitted that the call details of Gauri Shankar Prasad shows that he was fleeing away from hither and thither.

On perusal of records it appears that the petitioner is not named in the FIR. Ashok Kumar Sah the father of the deceased suspected the hands of the petitioner at the instance of his son-in-law Gauri Shankar Prasad in the murder of his son. The widow of Munna Kumar Sah in para 10 and 11 respectively also suspected the hands of the petitioner. Gauri Shankar Prasad confessed his guilt before the police and disclosed the name of the petitioner. Except the confession of co-accused as well as the petitioner that too before the police the I.O. did not collect any tangible evidence. The call details of the mobile of Gauri Shankar Prasad do not show in any way that the petitioner was present in the vicinity of the place of occurrence.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri A.K. Ram, the learned Judicial Magistrate 1<sup>st</sup> Class, Patna in Pirbahore P.S. Case No. 25 of 2015.

**(Prabhat Kumar Jha, J.)**

KKSINHA/-

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