

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44862 of 2015

Arising Out of PS.Case No. -367 Year- 2015 Thana -KADAMKUAN District- PATNA

1. Panna Lal Gupta, S/o- Late Ramanand Gupta, a resident of Daldali Road, P.S.- Kadamkuan, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.45105 of 2015

Arising Out of PS.Case No. -367 Year- 2015 Thana -KADAMKUAN District- PATNA

1. Darshan Kumar @ Guddu S/o Panna Lal Gupta, a resident of Daldali Road, P.S.- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.45687 of 2015

Arising Out of PS.Case No. -367 Year- 2015 Thana -KADAMKUAN District- PATNA

1. Jyoti Gupta D/o Panna Lal Gupta resident of Lohiya Nagar, Kankarbagh, P.S. Kankarbagh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.44862 of 2015)

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Atul Chandra(App)

(In Cr.Misc. No.45105 of 2015)

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Nirmal Kr. Sinha(App)

(In Cr.Misc. No.45687 of 2015)

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 08-02-2016

All the three Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 302, 120 (B) and 34 of the I.P.C and section 27 of the Arms Act.

Allegedly, Avinash Kumar, the brother of the informant as soon as reached near Hanuman Temple at Daldali road the petitioners and other co-accused surrounded him and thereafter shot him dead as in the election of ward counselor the petitioner Jyoti Gupta was also a candidate and the wife of the deceased was also a candidate but both were defeated and since then the petitioners and other co-accused were causing threats.

Submission is of false implication and that during investigation the informant has clarified that he is not the eye witness, vide paragraph-16 of the case diary, the daughter of the deceased has only stated that the three boys who have shot her



father were moving in the lane and at a distance there was co-accused Pujarilal Gupta also, other co-accused not named in the FIR whose identification were disclosed on the basis of the CCTV footage have confessed their guilt but have not stated the names of the petitioners, one co-accused Ashok who is also not named in the FIR has stated the name of co-accused Pujarilal Gupta and the petitioners, there is no legal and cogent evidence against the petitioners and without any material they are suffering in custody, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that under criminal conspiracy the petitioners got murdered Avinash Kumar due to election rivalry after hiring the criminals who have confessed their guilt.

In the facts and circumstances as stated above, considering that there is no direct evidence against the petitioners, the three accused persons who have been identified in the CCTV footage have not named the petitioners and the daughter of the deceased has only named Pujarilal Gupta and not the petitioners and as such the petitioners are directed to 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 Sri Anant Kumar, J.M. 1st Class, Patna in Kadamkuan P.S. Case No.

367 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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