

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39400 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -BIHPUR District- BHAGALPUR

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1. BIKASH KUMAR @ BIKASH KUWAR S/o Chandra Shekhar Kumar
Resident of Village- Tulsipur P.S.- Kharik, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 28-11-2016 Heard both sides.

The petitioner seeks bail in Bihpur (Jhandapur) P.S.
case No. 73 of 2016, corresponding to Sessions Trial No. 485 of
2016, under Section 302 and other Sections of the Indian Penal
Code and under Section 27 of the Arms Act.

The informant, brother of the deceased, stated that his
brother, Pramod Kumar Roy, who was a practicing advocate at
Naugachhia, Civil Court, left the Civil court on his Renault Kwid
vehicle bearing registration No. BR10W-1555. A Xylo vehicle
bearing registration No. JH10AM-2743, overtook the vehicle of
his brother and dashed. The criminals came out from the vehicle
and indiscriminately fired and thereafter the accused persons
started fleeing away but Xylo vehicle broke down and the accused

persons fled away.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. The name of the petitioner figured in the case in paragraph 156 of the case diary in which the police took the CDR and it transpired that from mobile No. 8271783739 and mobile No. 7870910755 call was made to the accused persons, who were involved in the killing of the deceased, from before the occurrence and after the occurrence. Tower location of the aforesaid mobiles was in between village Tetri and Tulsipur. It transpired that SIM No. 7870910755 was issued in the name of Govinda Kumar, S/o Basuki, village Tulshipur, P.S. Kharik but the I.O. did not enquire from Govinda Kumar and in paragraph 158 of the case diary the I.O. came to conclusion that petitioner was using the mobile having dual SIM including No. 7870910755 and petitioner was in touch with co-accused Rakesh Rai and others. Thereafter, the petitioner was arrested and police took his confession in paragraph 162 of the case diary. Save and except confession of the petitioner in which he disclosed that on the order of Rakesh Rai he was in touch with other accused persons, the I.O. did not collect any material to show the involvement of the petitioner in the alleged murder of Pramod Kumar Roy, who was a practicing lawyer at Civil Court, Naugachhia. Other accused

persons, namely, Subham, Dilip Singh, Sundar Kumar have already been granted bail vide orders passed in Cr. Misc. 30862 of 2016, 30902 of 2016 and 38869 of 2016 respectively. The prayer for bail of Rishav Kumar was rejected by this court.

Considering the facts aforesaid and the fact that save and except confession of the petitioner there is no other material, the above named petitioner 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 the learned 2nd Additional Sessions Judge-Naugachia, Bhagalpur in S.T. No. 485 of 2016, arising out of Bihpur (Jhandapur) P.S. Case No. 73 of 2016.

(Prabhat Kumar Jha, J)

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