

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43747 of 2016

Arising Out of PS.Case No. -98 Year- 2016 Thana -PIRBAHOR District- PATNA

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Chandan Kumar, son of Suresh Mandal, resident of Mohalla- Mahendru,
P.S.- Sultanganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Smt. Pushpa Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-12-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
25.04.2016 in connection with Pirbahore P.S. Case No. 98/16 for
offences punishable under Sections 302/34 of the Indian Penal
Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant,
is that his brother was shot by unknown miscreants when he was
opening his shop. He was taken to P.M.C.H., where he was
declared brought dead.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has falsely been implicated in
the aforesaid case. He submits that no Test Identification Parade



has been done so far and that First Information Report was lodged against unknown, but subsequently during investigation on the basis of confessional statement of co-accused Akash Kumar @ Chotu and Jitendra Kumar his name surfaced, which has no evidentiary value in the eye of law. He further submits that even the confessional statement of co-accused has not implicated the petitioner in the aforesaid offence as only the motorcycle of the petitioner was used for committing the said offence. It has further been submitted that no incriminating article has been recovered from the possession of the petitioner and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that one of the co-accused Akash Kumar @ Chotu has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 37848 of 2016 on 28.11.2016.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but in the confessional statement of the co-accused, his name surfaced, hence, opposes the prayer for bail.

From the materials available, it does not appear that petitioner's liberty on bail would adversely affect his trial and other co-accused has since been granted the privilege of bail, let



petitioner, above named, 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 learned Chief Judicial Magistrate, Patna in connection with Pirbahore P.S. Case No. 98/16.

This direction of bail is further subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J.)

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