

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18638 of 2016

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

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1. Prakash Lal Gupta @ Pujari @ Pujari Lal Gupta Son of Sri Panna Lal Gupta, a resident of Mohalla- Daldali Road, Police Station- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Ataur Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-05-2016 Supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record.

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks 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, Abhinash Kumar, the brother of the informant, as soon as reached near Hanuman Mandir at Daldali Road the petitioner and other co-accused surrounded him and thereafter shot him dead as in the election of the Ward Councilor co-accused Jyoti Gupta was a candidate and the wife of the

deceased was also a candidate but both were defeated and since then the petitioner and other co-accused were causing threats.

Submission is of false implication and during investigation it has come that the informant 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 the petitioner also, other co-accused not named in the FIR whose identification were disclosed on the basis of the C.C.T.V. footage have confessed their guilt but have not stated the name of the petitioner, co-accused Ashok Kumar in his confessional statement has stated the name of the petitioner but that Ashok Kumar @ Pintoo has already been allowed bail vide Cr. Misc. No. 13707 of 2016 by another coordinate Bench of this Court, there is no legal and cogent material against the petitioner, he has voluntarily surrendered on 10.02.2016 and since then he is in custody, other co-accused, namely, Pannalal Gupta, Darshan Kumar @ Guddu, Jyoti Gupta, Purohit Lal Gupta @ Bholu and Ravi Shankar Gupta @ Ravi Gupta have already been allowed bail and as such the petitioner also deserves sympathetic consideration as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that under the criminal conspiracy the petitioner and other co-accused got murdered Abhinash Kumar due to the 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 petitioner and the three co-accused who have been identified in the C.C.T.V. footage has not named the petitioner and as such the petitioner is directed to be released 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 Madhvendra Singh, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

Abhay/-

(Jitendra Mohan Sharma, J)

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