

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24174 of 2018

Arising Out of PS.Case No. -229 Year- 2017 Thana -AIRPORT District- PATNA

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1. Banty Kumar @ Sanjeet Kumar, Son of Surendra Kumar, R/o Sultanpur
Near Math, P.S. Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 14-09-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for the offence under Sections-398, 302 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case in brief, is that in course of returning his house, the informant was intercepted by the accused persons and on protest made by father of the informant, the accused persons fired at the father of the informant as a result of which, father of the informant sustained injury and later on died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 02-01-2018. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet/prosecution report has been submitted in this case. The petitioner is not named in the FIR. His name has come in confessional statement



of co-accused namely, Pintu Kumar and Lali Sharma in connection with Hawai Adda P.S. Case No. 241 of 2017. The petitioner has been made accused due to mistake of fact. Except confessional statement of co accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The petitioner has not been put on test identification parade. There is no recovery of any incriminating article from possession of the petitioner.

On behalf of the State, it is submitted that in course of investigation, in the confessional statement of co-accused, it has come that the petitioner is also one of the persons who committed dacoity-cum-murder of the deceased. All the four persons share equal responsibility in the alleged occurrence. In the CCTV footage, the petitioner was seen fleeing away, which is evident from paragraphs-171 & 207 of the case diary.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly prayer for bail of the petitioner in connection with Hawai Adda P.S. Case No. 229 of 2017 is rejected at this stage.

(Sudhir Singh, J)

A.K.V./-

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