

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19439 of 2018

Arising Out of PS.Case No. -376 Year- 2017 Thana -PHULWARI District- PATNA

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Rahul Ranjan @ Rahul, S/o Praduman Sharma, R/o Mahammadpur, P.S.-
Bikram, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 03-05-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 24.08.2017 in
connection with Phulwarisharif P.S. Case No.376 of 2017
registered for the offence under Sections 302, 120B and 34 of
the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that
though the present petitioner is not named in the F.I.R., but
subsequently on the basis of the confessional statement made
before the police by one named accused Deepak Kumar, the
petitioner has been taken into custody. It is further submitted
that the investigation has not bothered to take stock of the
tower location of the petitioner, as it is alleged that his phone
has been used by the concerned service provider. It is further



submitted that only on the basis of the confessional statement made before the police by the said Deepak Kumar, that the petitioner is in custody for almost nine months. Learned counsel for the petitioner further submits that the present petitioner has no criminal antecedents and co-accused Deepak Kumar, who has made confessional statement before the police implicating the petitioner, has since been extended the privilege of regular bail by the court of the Additional Sessions Judge-V, Patna on 14.12.2017 in B.P. No.2981 of 2017 (Annexure P/3). It is thus submitted that the petitioner may be enlarged on bail.

Diary in the present case was called for, which has since been received.

Learned counsel for the State has stiffly opposed the bail application, submitting that it is only on the basis of the confessional statement made before the police by Deepak Kumar, who has stated that the petitioner has also fired shots, that the petitioner was taken into custody.

However, it does not appear from the diary as to whether any further material other than the confessional statement is available on record.

Having considered the entire facts and circumstances and upon consideration that the petitioner has no



criminal antecedents and also that he is implicated solely on the basis of the confessional statement made before the police, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Priya Shekhar, learned Judicial Magistrate, First Class, Patna, in connection with Phulwarisharif P.S. Case No.376 of 2017, subject to the following conditions :

(1) One of the bailors will be his father.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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