

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23192 of 2019

Arising Out of PS. Case No.-457 Year-2012 Thana- BIHTA District- Patna

=====

RANJEET KUMAR @ RANJEET CHAUDHARY Son of Late Ramadhar Chaudhary Resident of Village - Belaur, P.S.- Udawantnagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 04-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 457 of 2012, dated 21.12.2012 registered at Police Station Bihta under Sections 302 of the Indian Penal Code and 27 of the Arms Act.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Murder of Shri Beer Bahadur with the use of a firearm is alleged to have been committed by the present bail applicant, namely Ranjeet Kumar @ Ranjeet Chaudhary.

It is seen that in the F.I.R. there is no reference of the



present petitioner. The offence took place on 20th December, 2012. Save and except for the alleged confessional statement made by the present accused/bail applicant, investigation thus far has not revealed any complicity of the accused in the alleged crime.

Undisputedly, the firearm does not belong to the present bail applicant. Also no finger print on the firearm was found to be that of the accused. At this point in time, there is nothing on record to show the presence of the accused at the place of crime. The alleged confessional statement of the accused/bail applicant was also recorded at a time when he was suffering incarceration in connection with another crime, which also was much after the occurrence of the incident. Even the family members of the deceased thus far have not raised any suspicion against the accused/bail applicant.

No doubt, crime is serious in nature, but having given thoughtful consideration to the entire attending facts and circumstances, in the considered view of the Court, the accused has made out a case for grant of bail.

Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.



It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars in connection with the present case since 15.5.2018; no further custodial interrogation is required and he has fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Danapur, Patna in



connection with Bihta P.S. Case No. 457 of 2012, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

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

(iv) The petitioner shall cooperate 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.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

K.C.Jha/-

U		T	
---	--	---	--

