

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38215 of 2019**

Arising Out of PS. Case No.-7 Year-2019 Thana- RAMPUR CHAURAM District- Jehanabad

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SUJEET KUMAR @ ADITYA KUMAR Son of Satyendra Singh @ Birendra Singh Resident of Village - Basti Bigha, P.S. Rampur Chauram, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Advocate Mr. Rajesh Kumar,
For the Opposite Party/s	:	Mr.Pancha Nand Pandit

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 302, 201/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation in short is that while the son of the informant had gone to village to see dance party, he was shot fire by the accused persons due to which he died and later his dead body was thrown into a well.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.2.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been



submitted in the present case. The petitioner has falsely been implicated in the present case. The re-statement of the informant is recorded in paragraph 80 of the case diary. The informant is not an eye witness to the alleged occurrence. The informant in his restatement has categorically stated that while his son had gone to see the dance, he had sustained fire shot injury by the co-accused namely Sunil Kumar, s/o- Dudheshwar Yadav. Further, an eye witness to the occurrence namely Manish Kumar, whose statement has been recorded in paragraph 89 of the case diary, from perusal of which it is evident that Sunil Yadav is said to have made firing in a drunken state while the dance was being performed which hit the deceased. There is no allegation of assault alleged against the petitioner by the said eye witness to the occurrence. The post-mortem report also corroborates the same.

On behalf of the State and the informant, it is submitted that the allegation of firing is alleged against the co-accused Sunil Kumar. As far as the allegation of concealing the dead body is concerned, that is alleged against the six named accused persons including the petitioner for committing offence under Section 201 IPC.

Considering the aforesaid facts and circumstances,



it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -1, Arwal in connection with Rampur Chauram P.S. Case No. 07/2019.

(Sudhir Singh, J)

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