

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69203 of 2019**

Arising Out of PS. Case No.-188 Year-2019 Thana- BUDDHACOLONY District- Patna

ADITYA KUMAR Son of Vijay Singh Resident of Village and Post Office-  
Barharia, Police Station-Barharia, District-Siwan, at present S.S. Boys Hostel,  
Buddha Colony, P.S-Budha Colony, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kant

For the Opposite Party/s : Mr.Zainul Abedin

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**ORAL ORDER**

4      18-12-2019              Instant petition under Sections 439 and 440 of Criminal  
Procedure Code has been moved for grant of bail in F.I.R. No.  
188 of 2019, dated 27.05.2019 registered at Police Station  
Budha Colony 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.

It is the case of the prosecution that one Ravi Rai was  
shot down by certain unknown persons.

It is the matter of record that in the FIR, name of the  
accused is not there. Also, investigation has not revealed the



complicity of the accused in the crime, save and except, the confessional statement made by co-accused. Even such statement is made, according to the learned counsel for the petitioner, in police custody and perhaps under coercion. Learned counsel submits that no cogent material stands recovered to connect the petitioner to the crime in any manner.

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 since 02.06.2019; no custodial interrogation is required and has fully cooperated in the investigation. Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Learned Additional Public Prosecution has raised no objection.

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 CJM, Patna in connection with Budha Colony P.S. Case No. 188 of 2019, 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 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.



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)**

sujit/-

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