

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76876 of 2019

Arising Out of PS. Case No.-745 Year-2019 Thana- SASARAM NAGAR District- Rohtas

AMAR KUMAR Son of Niranjana Singh Resident of Mohalla - Bhartiganj,
P.S.- Sasaram (T), Distt - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate
For the Opposite Party/s : Mr. S.D. Yadav, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 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. 745 of 2019, dated 22.08.2019, registered at Police Station Sasaram (T) under Sections 302, 379 and 34 of the Indian Penal Code.

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 on 21st of August, 2019, the accused fired a gun shot, as a result of which Rahul Kumar sustained injuries and died. The police suspects the involvement of the petitioner on the basis of confessional statement made by the co-accused.



Well, save and except for such confessional statement, there is nothing on record indicating the complicity of the accused in the crime. The accused was not present on the spot, none has come forward to reveal his identity or complicity in the crime. Petitioner is owner of the hotel where the deceased had taken his meals. According to the informant, it was the instant petitioner who disclosed such factum to the co-accused.

Well, this is just mere allegation and no material corroborates such statement.

The allegations have been seriously disputed by the petitioner. 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 seen that co-accused already stands granted bail by a co-ordinate Bench of this Court vide order dated 11.12.2019 passed in Cr. Misc. No. 70186 of 2019, titled as Aakash Kumar Vs. The State of Bihar.

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 01.01.2019; no custodial interrogation is required and the petitioner has fully



cooperated in the investigation.

Learned Additional Public Prosecutor does not seriously oppose the application.

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 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, considering the entire attending 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 C.J.M., Sasaram, Rohtas in connection with Sasaram (T) P.S. Case No. 745 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 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)

P.K.P./-

U			
---	--	--	--

