

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8138 of 2020

Arising Out of PS. Case No.-77 Year-2019 Thana- BEERPUR District- Begusarai

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Rahul Kumar @ Chhotu @ Rahul S/o Late Ramnandan Hazari Resident of
Village- Birpur, P.S.- Birpur, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
13.07.2019 in a case registered for the offences punishable
under Sections 364, 302, 201, 387, 120B/34 of the Indian Penal
Code and Section 27 of the Arms Act, hence, the prayer for bail
has been made through the present application.

The prosecution case, as per the fardbeyan of Dr.
Niranjan Kumar Gunjan recorded by S.I. -cum- S.H.O.Barun
Kumar, Birpur P.S. on 29.05.2019, is to the effect that on
28.05.2019 at 1.00 P.M., the informant received information
that his father, Prithwi Chandra Choudhary has been abducted



by four persons from the shop of the informant. The accused persons terrorized and resorted to open fire while abducting the father of the informant. Subsequently, the Sales Man of the shop of the informant disclosed the name of eight persons including the petitioner. Subsequently, the informant came to know that the accused persons shot his father dead and his dead body was recovered. It is alleged that earlier also the accused persons had demanded extortion amount of Rs.Ten lakhs from the informant.

It is submitted by learned counsel for the petitioner that there is no eye witness with regard to killing of the father of the informant and only on the basis of suspicion, the accusation has been levelled. The accusation is omnibus and general against all the accused persons including the petitioner. Though the petitioner is accused in one another case prior to lodging of the present case but he has been granted bail in that case. Moreover, the investigation has already been concluded.

Learned APP for the State submits that the petitioner is named in the FIR and his name also surfaced in the confession of the co-accused. However, he has not controverted the contention of the learned counsel for the petitioner that similarly situated co-accused persons namely, Mritunjay



Kumar, Gautam Kumar, Bikki Kumar and Sonu Kumar have been granted bail by different Co-ordinate benches of this Court vide Cr. Misc. Nos. 72925 of 2019, 83888 of 2019, 84193 of 2019 and 2827 of 2020 respectively.

Considering the rival submissions of the parties, keeping in view the fact that the accusation is omnibus and general, the investigation has already been concluded and similarly situated co-accused persons have been granted bail, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned A.C.J.M. 1st, Begusarai in connection with Birpur P.S. Case No. 77 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two



sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned A.C.J.M. 1st, Begusarai in connection with Birpur P.S. Case No. 77 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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