

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7788 of 2020

Arising Out of PS. Case No.-519 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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GAURAV KUMAR @ NIGAM RAJ S/o- Sri Rakesh Kumar R/O- Village
Jalsiman, P.S. - Sonbarsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 18-12-2020 The learned counsel for the petitioner and learned A.P.P.

for the State Mrs. Anita Kumari Singh were heard at length
yesterday and today the present case has been listed 'For
Orders'.

The petitioner apprehends his arrest in connection with
Begusarai Mufassil (Singhaul O.P.) P.S. Case No. 519 of 2019
for the offence punishable under Sections 302, 201/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 08.10.2019
at about 6:13 the informant got an information that his nephew
namely Prince @ Lalu Kumar has been murdered and his dead
body has been thrown in the bamboo orchard behind the
Sudhanshu Cold Storage whereafter the informant had informed



his brother and then all the family members had gone at the said place of occurrence and found the deceased lying there soaked in blood and lot of blood had oozed out from his head. It is also alleged that the deceased had gone to fair in the night of 07.10.2019 at about 11:30 P.M. and it is his belief that the accused persons namely Dheeraj Kumar, Bablu Sah, Shyam Sah and Bablu Yadav have executed the said occurrence since they used to sell liquor illegally to which the deceased used to object and used to tell them that he would inform the police about their activities.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has not been named in the FIR as an accused and his name has transpired in the present case on the basis of confessional statements of the co-accused person namely Suraj Kumar and Barun Kumar, which though have been made before the police. It is also submitted that similarly situated co-accused persons have already been granted regular bail by coordinate Benches of this Court vide order dated 18.03.2020 passed in Criminal Misc. No. 84836 of 2019 and by an order



dated 19.10.2020 passed in Criminal Misc No. 26945 of 2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that the co-accused persons have been granted regular bail whereas the petitioner is seeking for anticipatory bail, hence it cannot be said that there is parity in the case of the petitioner and the co-accused persons, who have been granted regular bail.

Having considered the submissions made by the learned counsel for the parties as also taking into account the materials available on record and those available in the case diary, I find that barring the name of the petitioner having transpired in the confessional statement made by the co-accused person, there is no other material to connect the petitioner with the alleged occurrence, hence I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in



connection with Begusarai Mufassil (Singhaul O.P.) P.S. Case No. 519 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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