

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14387 of 2020**

Arising Out of PS. Case No.-814 Year-2019 Thana- BETTIAH CITY District- West
Champaran

=====

BRIJESH KUMAR Son of Lalbabu Sah @ Lalbabu Prasad Resident of
Village- Uttarwari Pokhara, P.S.- Bettiah, Town (Kalibagh O.P.), District-
West Champaran.

... .. Petitioner

Versus

The State of Bihar

... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-07-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking
anticipatory bail in connection with Bettiah (Town) P.S. Case
No. 814/2019 registered for the offences punishable under
Section 302/34 of the Indian Penal Code and under Section 27
of the Arms Act.

Learned counsel for the petitioner submits that the
informant is an eye-witness. He has allegedly named the
accused persons firing upon the son and has named who has
fired upon the son of the informant which ultimately proved
fatal and he died. Learned counsel submits that so far as this
petitioner is concerned, he is not named in the First Information
Report, however in course of investigation, police has extracted



a confessional statement of the co-accused Vicky Singh who has stated that this petitioner and one Sunny Gupta has introduced the advocate to facilitate their surrender.

Learned counsel submits that the petitioner has not been made accused in the present case for any role in commission of the offence alleged under Section 302 but with aid of Section 34 IPC. In the impugned order also learned Additional District and Sessions Judge IX, Bettiah has vaguely stated that the name of the petitioner has come in the confessional statement of the co-accused. No role has been assigned to the petitioner in connection with the alleged murder.

Learned APP for the State has though opposed the anticipatory bail but considering the facts and circumstances wherein the informant has named the assailants but has not named the petitioner in the First Information Report and in course of investigation the only thing which has allegedly gone against this petitioner is that he has introduced an advocate to the accused as also that the petitioner has no criminal antecedent, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Bettiah (Town) P.S. Case No. 814/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/-



(twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the petitioner shall present himself before the investigating officer within three weeks from today and shall cooperate in course of investigation.

(Rajeev Ranjan Prasad, J)

avin/arvind

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

