

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25942 of 2020

Arising Out of PS. Case No.-630 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rishabh Kumar Son of Tuntun Singh Resident of Village - Chhoti Eghu, P.S.-
Muffasil, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Nityanand Tiwari, APP
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-10-2020 Heard Ms. Vaishnavi Singh, learned Advocate
for the petitioner and Mr. Sandip Kumar Gautam,
learned Advocate for the informant. The State is
represented by Mr. Nityanand Tiwari, learned APP for
the State.

The petitioner seeks bail in connection with
Begusarai Muffassil P.S. Case No. 630 of 2019 dated
29.11.2019 instituted for the offences under Sections
302 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The brother of the informant had gone out of
his house along with two others but never returned.
Dead body of the two persons including the brother of
the informant was found later. In the FIR, it has been



stated that prior to the occurrence, the brother of the informant (one of the deceased persons) had a fight with the petitioner. Apart from this, there was no other material against the petitioner at the time of lodging of the FIR. Precisely for this reason, though the name of the petitioner found mentioned in the body of the FIR but the FIR was registered against unknown. Later, during the course of investigation, it appears that the name of the petitioner transpired in the confession of one Aman Kumar. The petitioner is also stated to have made his confession before the police. One Ramjeevan Yadav is stated to have told the police that he had heard several rounds of firing in the evening of the day of the occurrence but he could not see anything. Only on the next day, the two deceased persons were found dead.

It has further been submitted that the co-villager of the informant viz. Jayram Yadav had stated before the police that he had seen the petitioner going on a motorcycle from near the place where the dead body was found.

Mr. Sandip Kumar Gautam, learned Advocate for the informant therefore submits that there is a strong and lurking suspicion against the petitioner. In the confession of co-accused Aman Kumar, the entire blame of killing of one of the deceased persons is on the



petitioner. There is self inculpatory statement of the petitioner.

However, considering the fact that except for the confession of another accused person and the self inculpatory statement of the petitioner, there is no other material to connect the petitioner with the crime.

The petitioner has only been seen by one of the villagers to be moving towards the place of occurrence.

The petitioner is in custody since 17.12.2019.

Considering the vague nature of allegation and the period of custody of the petitioner, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffassil P.S. Case No. 630 of 2019.

(Ashutosh Kumar, J)

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