

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21283 of 2020**

Arising Out of PS. Case No.-60 Year-2015 Thana- NALANDA District- Nalanda

SINKU KUMAR @ BIPIN KUMAR Son of Sita Ram Prasad Resident of
Village- Doiya, P.S.- Noorsarai, Distt.- Nalanda. At present Resident of
Village- Nirpur, P.S.- Nalanda, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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

3 24-08-2020 At the outset, learned counsel for the petitioner submits that he may be allowed to correct the case number in the prayer portion in consonance with paragraph '1' of the application.

Let the correction be carried out and the case number be correctly read as mentioned in paragraph '1'.

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

The petitioner in the present case is seeking regular bail in connection with Nalanda P.S. Case No.60 of 2015 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 435 and 506 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was also added.



Learned counsel for the petitioner submits that the informant of this case is one Pramila Kumari who was running a residential public school in the locality where the petitioner was also residing and engaged in running the school. It is stated in the First Information Report that two children of the public school had gone drawn in water whereupon the crowd assembled upon the school and they started to assault the informant and her husband, the school was set on fire with two vehicles. The allegations were made against one Sushil Kumar Singh who was also running Dronacharya residential school and co-accused Rajpal Kumar and Shishipal Kumar were also named in the First Information Report. The petitioner was not named in the First Information Report but in course of investigation police extracted confessional statement from co-accused Dharamvir Kumar and on the basis of the confessional statement the petitioner was brought within the purview of the investigation.

Learned counsel submits that it is the specific case of the petitioner that on the alleged date of occurrence (28.06.2015) the petitioner was appearing in his National Eligibility Test (NET) examination at Allahabad in the State of Uttar Pradesh, therefore his name has been wrongly brought on



the basis of confessional statement.

It is further submitted that in paragraph '111' of the case diary the investigating officer further made a falsification by saying that the tower location of the mobile phone of the petitioner was found at village Doeiya at Biharsharif whereas the same investigating officer has recorded in the said paragraph that sim of mobile number mentioned therein belongs to Girija Devi who is mother of the petitioner. Thus here also the petitioner has been falsely implicated.

It is lastly submitted that in the nature of the submission, this Court vide its order dated 01.07.2020 while calling for the case diary called for a report from the Superintendent of Police, Nalanda at Biharsharif with regard to the identity of the petitioner who is claiming that he is Sinku Kumar @ Bipin Kumar and on the alleged date of occurrence he was appearing in U.G.C. (NET) examination. The Superintendent of Police, Nalanda has verified this aspect of the matter and in his verification report as contained in memo no.920 dated 16.07.2020 (Flag 'Z') he has informed this Court that Sinku Kumar @ Bipin Kumar, son of Sitaram Prasad is the same and one person and on perusal of the educational records of Bipin Kumar it appeared that he had participated in the



examination held on 28.06.2015 and his result has also been published on the website.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, who is in custody since 31.01.2020, considering the entire materials on the records and in the nature of the verification report kept at Flag 'Z' as also that save and except the confessional statement in which the name of the petitioner has been brought there is no other material before the Court, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nalanda at Biharsharif in connection with Nalanda P.S. Case No.60 of 2015, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

(Rajeev Ranjan Prasad, J)

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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'.

