

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27953 of 2020**

Arising Out of PS. Case No.-173 Year-2019 Thana- SANGRAMPUR District- Munger

RABI KUMAR S/o Gyani Mandal Resident of Village/Muhalla-Kathna, P.S-
Gangta, District-Munger.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, ADvocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

4 11-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Sangrampur (Tetia Bumber) P.S. Case No.
173/2019 registered for the offence under Section 302, 201 of
the Indian Penal Code.

As per the First Information Report lodged by one
Dharmendra Bind the dead body of Jai Karan Kumar who was
missing since 02.10.2019 was found lying in a Bahiyar on
05.10.2019. Said Jai Karan Kumar was engaged as a worker in
decoration work and some unknown people had killed him. This



petitioner is not named in the First Information Report.

Learned counsel submits that this petitioner along with other co-accused were arrested on 25.10.2019 by police. Confessional statements have been extracted in which the petitioner and others have confessed before police that they had killed said Jai Karan Kumar at the instance of one Nandu Paswan. It is alleged that the deceased had illicit relationship with the wife of said Nandu Paswan and it is for this reason Nandu Paswan had conspired along with other co-accused and the petitioner and the said conspiracy was executed by killing the son of the informant. It is submitted that in order to falsely implicate the petitioner police has shown recovery of the mobile phone of the deceased but the said seizure has not been made in presence of independent witnesses as it would appear that the seizure list witnesses are the two chowkidars only, therefore, the false implication of the petitioner cannot be ruled out.

Learned counsel further submits that the co-accused whose involvement in the alleged killing has come in the confessional statement of the co-accused and this petitioner, has been granted bail by learned coordinate Bench of this court and co-accused Sonu Kumar has been granted bail by this court in Cr. Misc. No. 11407/2020. Learned counsel submits that the



petitioner has otherwise no criminal antecedent and release of the petitioner at this stage is not likely to result in tampering with evidence or in interference with the course of trial.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is his submission that the mobile phone of the deceased was recovered from the pocket of the petitioner after his arrest on 25.10.2019 but without any Sim and it is his submission that the involvement of the petitioner has also come in his confessional statement. Learned A.P.P. however does not dispute that the seizure of mobile has been shown in presence of two chowkidars and not in presence of any co-villager, though the arrest is said to have been made from the house of the petitioner. Learned A.P.P. also accepts that the persons whose name have come as participants in killing of the deceased have been granted bail for the reasons shown by learned coordinate Bench of this Court as also this Court as mentioned above.

Having regard to the facts and circumstances of the case wherein the petitioner has been made accused and except the confessional statement of the petitioner the only circumstance which has been shown is the recovery of the mobile phone of the deceased, but the fact that the petitioner is



said to have been arrested from his house but the seizure list does not show any independent witness, moreover the names mentioned in the confessional statement have been granted privilege of bail by learned coordinate Bench of this Court as well as this Court, the petitioner has no criminal antecedent, has remained in jail over one year, at this stage, there is no submission of the State that release of the petitioner is in any way likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Munger, in connection with Sangrampur (Tetia Bumber) P.S. Case No. 173/2019, subject to the condition as laid down under Section 437 (3) 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, of 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

