

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25044 of 2020

Arising Out of PS. Case No.-66 Year-2020 Thana- HAJIPUR District- Vaishali

MUKUL KUMAR S/o Late Kapileshwar Singh Resident of Village- Khilwat,
P.S.-Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-11-2020

Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Hajipur Town P.S. case No. 66/2020 registered u/s 394 of the IPC. Later on Section 302 of the IPC and Section 27 of the Arms Act were also added.

The informant deceased himself alleged that he works in the medicine shop of his maternal uncle and on the date of occurrence he was returning to Patna after taking medicines. When he reached near Gardaniya Chowk two persons on a motor cycle came from behind and stopped the motor cycle of the informant. They snatched the mobile and other articles from the possession of the informant. The accused persons also fired in the right thigh of the informant and flee away towards Konhara More. The informant fell down after becoming unconscious.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner



surfaced in the case in the confessional statement of one Ravindra Kumar, which is recorded in paragraph 37 of the case diary. Save and except confessional statement of the co-accused there is no other tangible material to show the involvement of the petitioner in the alleged robbery and killing of the informant. The learned Sessions Judge has referred paragraph 64 and 65 of the case diary and disclosed that two persons named Mukul Kumar and Ravindra Kumar and alleged that they were roaming around the place of occurrence at the relevant time. It is further submitted that petitioner has not been put in T.I. parade. Nothing has been recovered from the possession of the petitioner and mere evidence of two persons that petitioner and Ravindra Kumar were roaming around the place of occurrence does not shows the involvement of the petitioner in the alleged crime of robbery and killing of the informant. The petitioner is in custody since 12.05.2020.

The learned APP opposed the prayer for bail.

Perused the records.

It appears that petitioner is not named in the FIR. The informant, who is deceased, alleged that while he was returning two persons came from behind and stopped the vehicle of the informant. They robbed him and also fired which hit on the right thigh of the informant. It appears from perusal of the case diary that Ravindra Kumar confessed his guilt and disclosed the name of the petitioner but save and except confession there is no other tangible material against the petitioner to show his involvement in the crime. The I.O. during the course of investigation recorded statement of Dhanu Rai and Jagendra Mahto who are said to have disclosed that petitioner and Ravindra Kumar were roaming around the place of occurrence at the relevant time but



it appears that nobody has seen the petitioner committing the crime.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. case No.66/2020.

(Prabhat Kumar Jha, J)

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