

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31689 of 2020**

Arising Out of PS. Case No.-369 Year-2019 Thana- BARAUNI District- Begusarai

OM PRAKASH @ CHHOTU @ OM PRAKASH CHHOTU Son of Jitendra  
Ram Resident of Village - Hariharpur - Adharpur, (Mishra toli), Ward No. 05,  
P.S. - Teghra, District - Begusarai.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

**Appearance :**

For the Petitioner : Dr. Amrendra Kumar, Advocate.  
For the State : Mr. Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

2      03-12-2020                      In view of the submission and undertaking of the learned  
counsel for the petitioner, at the time of hearing of this application,  
through Video Conferencing, that he would remove the defect(s), as  
pointed out by the office vide its notes dated 24.11.2020, within two  
weeks of starting of the Court proceeding in physical mode, he is  
permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned  
A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Barauni  
(Garhara) Police Station Case No.369 of 2019 registered under  
Sections 302/34 of the Indian Penal Code besides Section 27 of the  
Arms Act.

The accusation is that on 24.08.2019, the informant  
Sudhanshu Kumar and his brother Rupesh Kumar along with Mahesh



Sao, Mukesh Kumar, Sitaram Sah and Rahul Kumar, on two motorcycles, had gone from his house to see the fair of Krishna Janmasthanmi at Barauni. In course of their returning from there at about 11.00 P.M., in the way, three persons, on one motorcycle, were committing loot from the pedestrians, then the informant along with his associates chased them. At that time, out of the three persons, who were on one motorcycle, one person shot fire through pistol which hit the chest of Rupesh Kumar, the brother of the informant, who was rushed to the hospital, where he was declared dead. The miscreants were on a black colour motorcycle and the informant claimed to identify the miscreants on seeing them.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. In course of investigation, the name of the petitioner surfaced in the confessional statement of the co-accused Aman Kumar to the effect that at the time of the occurrence, this petitioner ordered to kill and, thereafter, Aman Kumar fired at the brother of the informant. The petitioner is in custody since 23.10.2019 but he has not been put on T.I. Parade till date, while the informant has claimed in the F.I.R. to identify the culprits on seeing them. Further submission is that while the petitioner is accused in Barauni (Garhara) P.S. Case No.419 of 2019 registered under Section 414 of the Indian Penal Code and Sections 25(1-b)A, 26 and 35 of the Arms Act, as detailed in paragraph-3 to this application, but, in that case, the petitioner is on bail. The



petitioner is also accused in one another case registered under Section 392 of the Indian Penal Code. In fact, in course of investigation, the police got recorded the confessional statement of the co-accused Aman Kumar in the aforesaid Barauni (Garhara) Police Station Case No.419 of the 2019, in which he disclosed the name of the petitioner as his associates and, thereafter, the petitioner was remanded in the present case and the aforesaid Barauni (Garhara) Police Station Case No.419 of 2019 and in another case registered under Section 392 of the Indian Penal Code.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in connection with Barauni (Garhara) Police Station Case No.369 of 2019.

**(Rajendra Kumar Mishra, J)**

P.S./-

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