

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83896 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- BEERPUR District- Begusarai

RAJ KUMAR Son of Late Jhari Lal Mahto R/o Village- Tandi Panchayat
Jokiya, P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 01-07-2020 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is in custody in connection with Birpur P.S.
Case No. 77 of 2019 for the offence under sections 364, 302,
201, 387, 120B/34 of the Indian Penal Code and Section 27 of
the Arms Act.

Learned counsel for the petitioner would submit that
identically circumstanced other co-accused Gautam Kumar has
been granted bail by this Court on 27.5.2020 in Cr. Misc. No.
83888 of 2019. The order dated 27.5.2020 is quoted below for
ready reference:

“Heard learned counsel for the petitioner and
the counsel appearing on behalf of the State.

Petitioner is in custody in connection with



Birpur P.S. Case No. 77 of 2019 for the offence under sections 364, 302, 201, 387, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner fairly submits that petitioner was earlier made accused in a case under Bihar Excise and Prohibition Act. He is also accused in this case for the offence under the Arms Act.

Referring to prosecution case, learned counsel for the petitioner would submit that in fact from the First Information Report given to the police it was reported that some unknown miscreants have abducted Prithvi Chandra Choudhary. However, when the police rushed the place of occurrence, the police arrested one Bikram Kumar and Raj Kumar and on the basis of confessional statement of Raj Kumar and Bikram Kumar, the petitioner and others have been made accused in the instant case.

Counsel appearing on behalf of the petitioner submits that in the present case co-accused Puspesh Kumar @ Puspesh Kuma @ Puspesh Singh has been granted bail by a coordinate bench of this Court in Cr. Misc. No. 68328 of 2019 vide order dated 15.10.2019 whereas other co-accused Mritunjay @ Mritunjay Kumar has been granted bail by another coordinate bench of



this Court in Cr. Misc. No. 72925 of 2019.

Considering the fact that other co-accused has been granted bail and the petitioner is in custody in this case since 15.6.2019 the Court is inclined to grant bail to the petitioner, let the petitioner, named above, be enlarged on bail on furnishing his personal bond to the satisfaction of learned A.C.J.M.-1st, Begusarai, in connection with Birpur P.S. Case No. 77 of 2019 on account of total lock-down due to Covid-19 pandemic.”

In order to maintain consistency, the Court is inclined to grant bail to this petitioner also. Let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Begusarai, in connection with Birpur P.S. Case No. 77 of 2019.

(Anil Kumar Upadhyay, J)

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