

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13729 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- RAHUI District- Nalanda

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Alok Kumar, aged about 35 years, (Male) son of Manoj Prasad, Resident of Mohalla/ village- Ramchandrapur, near Bus Stand, Police Station- Laheri, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate
For the State : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 15-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioner seeks bail in Rahui PS Case No. 72 of 2020, instituted for the offence under Sections 302/34 and 120(B) of the Indian Penal Code and Section 27 of the Arms



Act.

The informant's husband had gone to his duty. Later, in the day, she has learnt that he has been killed by some unknown persons.

Petitioner's counsel submits that though the petitioner is not named in the First Information Report (for brevity 'FIR'), he has been arrested merely on suspicion. The FIR is against unknown persons. The petitioner's implication is based merely on tower location of the mobile phone which was being used by him. He submits that co-accused Karan Saxena has been allowed bail, whereas later in the investigation, it has come that on account of some illicit relation of the informant with the said Karan Saxena, the murder was planned and executed. He has been allowed bail in Cr. Misc. No. 31286 of 2020. It is further submitted that during investigation co-accused, Tuntun, Saurav and the petitioner have stated about killing being done by the professional killers who have been named therein, who is someone other than the petitioner. The petitioner has become victim of the circumstance due to recovery of blood stained cloth, arms from his home.

The learned APP representing the State has opposed the prayer for bail. It is submitted that based on the *Sim* card issued



in the name of the petitioner's wife the entire conspiracy was unraveled. Thereafter, all the accused persons have been apprehended. There is recovery of blood stained cloth, arms used in the killing. *Sim* card being used by the petitioner at the time of the alleged occurrence stands in the name of his wife. It is further submitted that the petitioner's complicity cannot be ruled out.

Considering the rival submissions, this Court is of the opinion that on grounds of parity the petitioner is entitled to bail, more so, in view of the fact that he has been in custody for quite some time i.e., since 08.03.2020. The petitioner's counsel, however, undertakes that the petitioner would present himself before the Trial Court on each and every date to facilitate conclusion of the trial.

In the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st, in connection with Sessions Trial No. 168 of 2020, arising out of



Rahui P.S. Case No. 72 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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