

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14536 of 2021**

Arising Out of PS. Case No.-306 Year-2020 Thana- DANAPUR District- Patna

SANJU KUMAR S/O LATE BHAGWAN RAI Resident of Mainpura Near
Ata Chakki, P.S.- Danapur, District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

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

2 22-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Rajendra Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Danapur P.S. Case No. 306 of 2020
registered for the offences punishable under Section 302 of the
Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant, namely, Suddu Kumar
lodged the FIR alleging therein that on 20.05.2020, the brother
of the informant namely Vikash Kumar went to Manipura for
some work where one Ravi Kumar @ Katori shot him dead by



pistol.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Ravi Kumar @ Katori. It is further submitted that co-accused similarly situated has been granted bail. The petitioner is in custody since 7.10.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that in the First Information Report itself the informant has given the specific name of the assailant and it is alleged that one Ravi Kumar @ Katori had shot dead the brother of the informant from his pistol, there being no allegation against the petitioner and no statement that any other person was present on the alleged place of occurrence, the petitioner has been falsely implicated at the later stage on the basis of the confessional statement of the co-accused Ravi Kumar @ Katori in police custody, the further submission that the co-accused similarly situated have been granted bail, the co-accused Vikash Kumar Upadhyay against whom the allegation was that he had



made available the arms to the co-accused Ravi Kumar @ Katori has been granted bail by learned coordinate Bench of this Court in Cr. Misc No. 35455 of 2020, yet another co-accused has been granted bail by a learned coordinate Bench in Cr. Misc No. 40472 of 2020, so far as the present petitioner is concerned he has remained in jail for about eight months, investigation against him is complete and prior to the present case he had one case on his head under the Excise Act in which he is on bail, considering all these aspects of the matter, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Patna in connection with Danapur P.S. Case No. 306 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

