

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18590 of 2021

Arising Out of PS. Case No.-468 Year-2019 Thana- BEUR District- Patna

CHOTU KUMAR PATEL S/o Prabhat Kumar R/o- Sorangpur, Near Gauriya
Asthan, New Jaganpura, P.S.- Ramdrishna Nagar, Dist- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Pradeep Narain Kumar, APP
For the Informant :	Mr. Gajendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-10-2021 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, learned counsel for the informant and Mr. Pradeep Narain Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Beur P.S. Case No. 468 of 2019 registered for the offences punishable under Section 302/201 of the Indian Penal Code. The petitioner is in custody since 24.05.2020. He has two criminal antecedents and in two cases he is on bail as per paragraph '3' of the petition.

As per the prosecution story, on 04.12.2019 at 05:30 in the evening the son of the informant went out but did not return and his mobile phone was also switched off. On the next day, the



informant got information about recovery of a dead body and the same was identified as his son.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case on mere suspicion. It is submitted that the petitioner has no concern with the alleged occurrence. The petitioner is in custody since 24.05.2020.

Learned APP for the State and learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted on behalf of the petitioner that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused Suraj Kumar who took the name of one Chotu Kumar @ Diwana and the petitioner claims that he is not Chotu Kumar @ Diwana, save and except the confessional statement of the co-accused and then that of the petitioner extracted in police custody, no other material has been brought to the notice of this Court either in the form of any recovery at the instance of the accused or any scientific investigation on the point of connection of the petitioner with the co-accused or the deceased, this Court having noticed that the petitioner has remained in jail for over one year, the investigation



against him is complete and further that there is no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, 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. III, Patna in connection with Beur P.S. Case No. 468 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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'.

