

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22861 of 2021

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

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TUNTUN KUMAR @ TUNTUN PASWAN S/O GARIBAN PASWAN R/o
village- Karai, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-11-2021 Heard Sri Pankaj Kumar, learned counsel appearing
on behalf of petitioner and Sri Arun Kumar Pandey, learned
A.P.P. appearing for the State.

Learned counsel appearing on behalf of petitioner, at
the outset, submits that a typographical mistake has been made
in paragraph No.8 of the petition, which is not in relation to the
present petition and hence, he prays to delete the said paragraph.

Prayer is allowed.

The petitioner seeks bail in connection with Rahui
P.S. Case No. 72 of 2020, registered under Sections 302/34 and
120(B) of the Indian Penal Code and Section 27 of the Arms Act

The prosecution case, in brief, is that the husband
of the informant had gone to his work. Later, in the day, she
come to know that her husband has been killed by some
unknown persons.

It is submitted on behalf of petitioner that he has



falsely been implicated in this case and the main accused is Karan Saxena, who has already been released on bail vide order dated 02.12.2020 passed in Criminal Miscellaneous No. 31286 of 2020 by a co-ordinate Bench of this Court. He further submits that one co-accused, namely, Alok Kumar against whom there is allegation that the said master mind Karan Saxena has used the SIM card of the wife of Alok Kumar. The said fact has come in course of investigation as well as on the basis of CDR report. He further submits that Alok Kumar has also been released on bail by this Court vide order dated 15.09.2021 passed in Criminal Miscellaneous No. 13729 of 2021. He further submits that petitioner is not named in the F.I.R. and from the order of the learned Sessions Court, it appears that Police has recovered blood stained cloth from the house of co-accused, who are professional shooter. He further submits that petitioner is languishing in jail custody since 10.03.2020, as such he may be released on bail.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail and submits that petitioner was known to the two named accused persons, who have been granted bail and it is on his confessional statement they were arrested and recovery of blood stained cloth from the house of said co-accused. It is further submitted that the complicity of petitioner cannot be ruled out in the murder of deceased, the



petitioner does not deserve to be released on bail.

Having considered the submission made by the petitioner and the State and the fact that main accused have already been released on bail and also taking into consideration the period of custody, let 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 learned Additional Session Judge-I, Bihar Sharif in connection with Rahui P.S. Case No. 72 of 2020 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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