

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24116 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- RANIYATALAB District- Patna

Raj Kumar, Son Of Seni Sharma @ Chheni Sharma, R/O Village- Khapuri,
P.S.- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Samrendra Kumar Jha, Adv.
For the Informant	:	Mr. Arvind Prasad Singh, Adv.
For the State	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 31.05.2020 seeks
bail in connection with Rani Talab P.S. Case No.105/2020
registered for offence punishable under Section 302/34 of Indian
Penal Code and Section 27 of the Arms Act.

Prosecution case in brief is that the elder brother of
informant for the purpose of preparation of physical
examination used to do exercise and in course of his regular
excise on 11.05.2020 accused person shot his brother, who died
on spot. It has been specifically alleged that one Nitish Kumar
@ Nitish Sharma has shot with the pistol on the brother of the



informant and his brother died on spot.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and falsely been implicated in the present case. Learned counsel further submits that the petitioner is not named in the FIR and he has been roped in the present case on the basis of confessional statement of one co-accused in the police custody and he is in custody since 31.05.2020 on false accusation. Learned counsel for the petitioner has brought on record that one co-accused Ritesh Kumar has been released on bail vide order dated 07.07.2021 passed in Cr. Misc. No.36527/2020.

Learned counsel appearing on behalf of the State submits that there is direct allegation against the petitioner and from perusal of paragraph no.32 of the case diary, it is evident that one Ritesh Kumar and the petitioner were seen with other accused person and as such their complicity cannot be ruled out.

Considering the facts and circumstances of the case and on perusal of paragraph-32 of the case diary, it appears that Ritesh Kumar and petitioner were seen together and their name has surfaced in the present case in course of investigation on the confessional statement of co-accused, in police custody. The petitioner has clean antecedent and charge sheet has been



submitted and there is no likelihood of trial been completed in the near future, let the petitioner, above named, be released 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 Judicial Magistrate, Ist Class, Danapur, Patna/successor court in connection with Rani Talab P.S. Case No.105/2020, 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)

Prakash Narayan /-

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