

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24407 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- PALIGANJ District- Patna

CHOTU SINGH @ BIJENDRA SINGH @ CHOTU SHARMA Son of
Bameshwar Sharma @ Brahmeshwar Sharma Resident of Village - Mera,
Police Station - Khirimore, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Anil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in connection with Sessions Trial
No.16/2021 arising out of Paliganj P.S. Case No.78/2020,
registered for the offence punishable under Sections 302, 201,
120B/34 of the IPC and section 27 of the Arms Act.

The prosecution case in short is that on 26.02.2020, an
unidentified dead body was found lying in village Madhwa by



the road side, for which an F.I.R. was lodged against unknown.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case by the police. He is not named in the FIR nor apprehended on the spot. During course of investigation, one Guriya Devi identified the dead body of the deceased as Navin Sharma, and she raised suspicion on one Anil Kumar @Doctor and the name of petitioner transpired in this case only on the basis of confessional statement of the said Anil Kumar @Doctor, who has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No.30030 of 2020 dated 11.01.2021. There is no eye-witness to the occurrence and the petitioner has not been put on test identification parade. No incriminating article has been recovered from the conscious physical possession of the petitioner. The petitioner has seven criminal antecedent and has been languishing in custody since 01.09.2020.

Learned APP for the State opposed the prayer for bail by submitting that during course of investigation, on the basis of CDR of mobile of co-accused, it has come that he has made several calls on the mobile this petitioner on the alleged date of occurrence and location of mobile phone of the co-accused was



found near the place of occurrence.

Considering the facts and circumstances of this case, since the co-accused has been granted bail and the petitioner has undergone custody of more than one year, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-V, Danapur, Patna, in connection with Sessions Trial No.16/2021, arising out of Paliganj P.S. Case No.78/2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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