

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25428 of 2021

Arising Out of PS. Case No.-482 Year-2016 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Gautam Kumar @ Krishna Gautam Kumar aged about 25 years, Son Of Gyas
Nandan Singh Resident of Village- Pokhariya, Ward No.39, Police Station-
Town, District- Begusarai. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 07-12-2021 The applicant/accused in Crime No. 482 of 2016

registered with Begusarai Muffasil (Lokho) Police Station on

27.11.2016 on the basis of report lodged by Santosh Kumar for

the offences punishable under sections 302 and 379 read with

Section 34 of the Indian Penal Code as well as Section 27 of the

Arms Act, at the instance of the first informant, by this

application is seeking his release on bail during pendency of the

trial.

Heard learned counsel for the application. He submits
that the applicant is arrested on 11.1.2021 though he was very
much available and no proceedings under sections 82 or 83 of the
Cr.P.C. were ever initiated against the applicant. It is further
argued that except confessional statement of co-accused Mannu
Singh, there is no other legal evidence to connect the applicant
with the crime in question.

Learned prosecutor opposed the applicant by stating



that groups of person came and indulged in indiscriminate firing causing death of KamalKant Kumar @ Bijli and wounding Sanjeev Kumar.

I have considered the submission so advanced and pursued the case diary along with the FIR.

First Information Report was lodged by Santosh Kumar who happens to be the brother of the deceased Kamalkant Kumar and injured Sanjeev Kumar. He reported that on 27.11.2016 when they all were at the godown of fertilizers, main accused Mannu Singh came along with his eight associates. The first informant stated that the fire was opened by Mannu Singh and the bullet hit Kamalkant Kumar @ Bijli and Sanjeev Kumar. Ultimately, Kamalkant Kumar @ Bijli succumbed to the bullet fired by Mannu Singh. The injured Sanjeev Singh has stated that Mannu Singh as well as his associates fired at them.

So far as identity of the present applicant is concerned, the prosecution is relying on the confessional statement of co-accused Mannu Singh. The confessional statement is given to police. Apart from this, nothing is pointed out to the Court regarding complicity of the present applicant to the crime in question. It is not pointed out that there was Test Identification Parade in which the applicant was identified by the injured or the



first informant.

Considering this nature of evidence, further pre-trial detention of the applicant is not warranted, and therefore, the order:-

The application is allowed.

The applicant/accused in Crime No. 482 of 2016 registered with Begusarai Muffasil (Lokho) Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) on furnishing sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should not repeat the trial in expeditious disposal of the trial against him.

(III) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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