

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26772 of 2021

Arising Out of PS. Case No.-118 Year-2019 Thana- AKHODHIGOLA District- Rohtas

Chhotu Ram S/o Late Shyam Sundra Ram Resident of Village - Shahpur, P.S.
- Sasaram (Muffasil), District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umeshanand Pandit

For the Opposite Party/s : Mr.Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 20-12-2021 The applicant/accused in Crime No. 118 of 2019 registered with Akodhigola Police Station for the offences punishable under sections 394 and 302 of the Indian Penal Code as well as under section 27 of the Arms Act, by this application is seeking his release on bail after filing of the charge-sheet.

Heard the learned counsel for the applicant. He submits that except confessional statement of co-accused Anish Kumar which has resulted in no recovery, there is no iota of evidence against the applicant.

Learned prosecutor has accepted this fact but argued that the offence is heinous.

Co-accused Delip Gupta is reported to be released on bail vide order dated 21.10.2021 passed by the coordinate bench of the Court in Cr. Misc. No. 2220 of 2021.



The FIR is lodged by Mahavir Kumar against unidentified accused persons. He reported that when he along with the deceased Amit Kumar were visiting various traders for recovery of their dues, three unknown persons attempted to snatch the bag containing cash from Amit Kumar and after resistance from Amit Kumar, one of them fired a bullet from point blank range on head of Amit Kumar.

In the normal course, when the first informant had given description of the assailants it was expected of the Investigating Officer to conduct Test Identification Parade. It is reportedly not done. Nothing is reported to be recovered from the applicant. The similarly situated co-accused is directed to be released on bail by this coordinate bench of this Court. Therefore, the order.

The application is allowed.

The applicant/accused in Crime No. 118 of 2019 registered with Akodhigola 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 certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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