

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27906 of 2021

Arising Out of PS. Case No.-158 Year-2019 Thana- NAUBATPUR District- Patna

=====

Pramod Kumar Son of Rajeshwar Prasad Resident of Village - Laksambha,
P.S. - Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shri Majid Mahboob Khan, Advocate
For the Informant	:	Mr. Ranjeet Choubey, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-12-2021 Heard Shri Majid Mahboob Khan, learned counsel for the petitioner, Shri Ranjeet Choubey, learned counsel for the informant and Shri Chandra Bhushan Prasad, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Naubatpur P.S. Case No. 158 of 2019 dated 12.03.2019 instituted for the offences under Sections 302, 120(B), 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 01.10.2020, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner, Shri Majid Mahboob Khan submits that informant in the F.I.R. alleges that



her husband happened to be the driver of an ambulance and he left the house by saying that he will return after some time but he did not return in the night, further it is alleged that informant called him on his mobile but did not receive any response. It is further alleged that an information was given by the police that her husband was killed and his dead body was lying near Faridpur. Accordingly, the informant went to the place of occurrence and found the dead of her husband and there was a gun shot injury on his head.

Shri Majid Mehboob Khan, learned counsel for the petitioner vehemently argues and submits that from perusal of the allegation it would manifest that F.I.R. was against unknown and name of this petitioner transpired in the confessional statement of co-accused Shubham Jyoti who has been granted privilege of default bail. Learned counsel submits that it amply demonstrate that the police within ninety days was not able to connect Shubham Jyoti with the offence as a result of which the charge-sheet could not be submitted and he was granted privilege of default bail. Learned counsel thus submits that when the person who took petitioner's name in his confessional statement has himself been granted privilege of default bail that amply demonstrate that during the course of investigation



nothing was found against him within the statutory period of investigation.

Learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner and submits that the name of this petitioner apart from the fact that it came in the confessional statement of co-accused, also transpired during the course of investigation when CDR was investigated and from the investigation of CDR it came to light that this petitioner also, along with other persons, had a talk with the deceased.

Learned A.P.P. for the State also vehemently opposes the prayer for regular bail of the petitioner and submits that the postmortem of the deceased was done on 12.03.2019 wherein the cause of death was on account of assault by hard and blunt substance on the parietal region of the deceased. It is further submitted that during the course of investigation one witness has stated that this petitioner along with named accused persons had assaulted the deceased and this petitioner assaulted with an iron rod on his head.

Learned counsel for the petitioner, Shri Majid Mahboob Khan submits that the postmortem was done on 12.03.2019 and the statement of the witness was recorded after



six months and thus the petitioner along with others have been implicated based on the injury which surfaced in the postmortem.

Considering the fact that the petitioner is in custody since 01.10.2020, is not named in the F.I.R., co-accused Shubham Jyoti has been granted privilege of default bail, petitioner is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Danapur, Patna in connection with Naubatpur P.S. Case No. 158 of 2019.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

