

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28718 of 2021

Arising Out of PS. Case No.-444 Year-2020 Thana- DANAPUR District- Patna

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SUBHAM KUMAR @ CHADDHA SON OF SHAMBHU NATH GUPTA
Resident of Village - Pethiya Bazar, P.S.- Danapur, Dist.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ganesh Sharma
For the Opposite Party/s : Mr. Dilip Kumar No.1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302, 120B, 201/34 of the Indian Penal Code.

As per the prosecution case, the brother of informant had gone to return the dues amount on 10.08.2020 through his private vehicle thereafter it is said that he made a call to his mother that he is at Danapur and his life is in danger and asked for help. Thereafter, the informant went to Danapur along with his family members and informed the higher officials regarding threat on the life of his brother, Sudama Kumar, and they also made search but could not find him and in the next morning the informant got information that dead body of his brother was lying near Patliputra bridge.



Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR. The name of petitioner has come during the course of investigation on the basis of confessional statement of co-accused Manoj Kumar. It is further submitted that no motive is attributed to the petitioner and only material that has come in the confessional statement of co-accused that petitioner was also one of the conspirators. There is no direct or indirect evidence against this petitioner save and except confessional statement of co-accused. Petitioner is in custody since 25.08.2020 and charge sheet has already been submitted..

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Danapur, Patna in connection with Danapur PS case No. 444/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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