

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21301 of 2020

Arising Out of PS. Case No.-442 Year-2019 Thana- KOTWALI District- Munger

RAKESH KUMAR Son of Late Ramchandra Ram Resident of Village-
Shadipur, Kalimandir, P.S.-Kotwali, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Adv.
For the State : Md. Kurshid Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-01-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection
with Kotwali P.S. Case No. 442 of 2019, registered
for the offence punishable under Sections 302, 34
of the Indian Penal Code and Section 27 of the
Arms Act.

The allegation is regarding the deceased
having gone out of his house at around 6:00 pm.
on 30.10.2019 and at about 9:15 pm., the
informant got information that his brother has
been shot dead, whereafter the informant along
with his brother and other relatives went to the



alleged place of occurrence and found his brother lying dead in a drain, his body smeared with blood and there were bullet injuries in his chest, abdomen, foot etc.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 15.11.2019. The learned counsel for the petitioner has further submitted that no material, whatsoever has been found during the course of investigation so as to connect the petitioner with the alleged crime.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case diary, it appears that the co-accused person, namely, Sanntanu Kumar, has made his confessional statement before the police in which, though he has alleged that the



petitioner was also armed with licensed rifle, however, the fatal blow was made by the co-accused persons, namely, Rajesh Kumar and Pintu Kumar, hence, I find that as far as the petitioner is concerned, there is minuscule evidence so as to connect him with the alleged crime, thus, I deem it fit and appropriate to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kotwali P.S. Case No. 442 of 2019.

(Mohit Kumar Shah, J)

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