

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32814 of 2021

Arising Out of PS. Case No.-602 Year-2020 Thana- BRAHMPUR District- Buxar

ASHWANI KUMAR @ SONI Son of Sitaram Puri Resident of Village-
Harkhahi Mathiya, P.S.- Krishna Brahm, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioner and learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection Krishna Brahm P.S.
Case no. 602 of 2020 registered for the offence punishable
under sections 302 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.11.2020 and is person with
clean antecedent and charge sheet has been submitted. Learned
counsel for the petitioner further submits that from perusal of
the allegation as alleged in the FIR, it would manifest that the
informant alleges that his son was called on his mobile by
someone, whereafter he left the house in the night and did not
return home, further on the next day, his dead body was found
at a distance of 300/400 meter lying in an orchard. Son of the



informant was killed by sharp cutting weapon. He next submits that name of this petitioner transpired during course of investigation in the confessional statement of co-accused Sanoj Kumar who has already been granted bail by a coordinate bench of this court vide order dated 16.8.2021 in Cr. Misc. no. 19291/2021. Learned counsel further submits that except confessional statement extracted in police custody, there is no other material against this petitioner, further no witness is available in the case diary to show that petitioner was seen with co-accused Sanoj Kumar.

Learned counsel for the informant vehemently opposes the bail application and submits that during course of investigation, it was Sanoj Kumar who disclosed the name of this petitioner but on confessional statement of Sanoj Kumar certain weapons were recovered which are alleged to have been used in killing the deceased and accused in the FIR are related also to the deceased.

Learned counsel for the petitioner on this submits that since name of the petitioner has come on the confessional statement of Sanoj Kumar who has already been granted bail as such seeking parity with other co-accused whose names have also been disclosed by Sanoj Kumar have already been granted



bail. Learned counsel submits that Vijay Kumar Goswami and two others have been granted bail by order dated 25.8.2021 in Cr. Misc. no. 18306/2021 and Mantu Kumar Puri @ Mantu Kumar Giri vide order dated 25.8.2021 in Cr. Misc. no. 18597/2021.

Learned APP also opposes the prayer for bail.

Considering the facts that petitioner is in jail custody and charge sheet has been submitted and co-accused have been granted bail, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar in Krishna Brahm P.S. Case no. 602 of 2020 with condition that one of the bailers would be his father and in the event, petitioner fails to appear on two consecutive dates in trial, the learned court below shall proceed to cancel his bail bond.

(Satyavrat Verma, J)

s.hassan/-

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