

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28080 of 2020**

Arising Out of PS. Case No.-494 Year-2018 Thana- PATLIPUTRA District- Patna

Utpal Paul, aged about 24 years, Gender-Male, son of Tarun Kumar Paul, resident of Mohalla- Near CDA Colony, Nanku Bhawan Road, North Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madanjeet Singh, Advocate
For the State	:	Mr. Anant Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 29-01-2021

Heard Mr. Madanjeet Singh, learned counsel for the petitioner and Mr. Anant Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Patliputra PS Case No.494 of 2018 dated 18.10.2018, instituted under Section 302 of the Indian Penal Code.

3. The allegation against the petitioner, though not named in the FIR, is of being party to the death of the brother of the informant.

4. Learned counsel for the petitioner submitted that he has no connection with the occurrence. It was submitted that one Rakesh Kumar, who was arrested, in his confessional statement has stated that the petitioner was also at the place and



they were celebrating by drinking wine. It was submitted that no overt act or any other role has been assigned to him and chances are that the deceased, who was alcoholic, may have fallen off the roof of the apartment leading to his death in a drunken state. It was submitted that even in the so-called confessional statement of Rakesh Kumar, it has only been alleged that the petitioner along with many persons had gathered on the rooftop of the apartment and consumed liquor, but beyond that no role has been assigned to him. Learned counsel submitted that the petitioner has no criminal antecedent. Learned counsel drew the attention of the Court to Annexure-3 of the supplementary affidavit, which is copy of order granting anticipatory bail to similarly situated co-accused, Raju Kumar, on 07.12.2020 in Cr. Misc. No.22574 of 2020.

5. Learned APP submitted that the petitioner's name has transpired during the confessional statement of co-accused Rakesh Kumar. However, he did not controvert that Raju Kumar is similarly situated to the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-Judge -cum- ACJM-XII, Patna, in Patliputra PS Case No.494 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall co-operate in the matter, both with the police/prosecution and the Court. Failure to cooperate shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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