

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31541 of 2020

Arising Out of PS. Case No.-315 Year-2019 Thana- BEUR District- Patna

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SHUMMY ANAND @ SHAMMI ANAND S/o Sri Dharmendra Kumar @
Vimal Sharma Resident of Village-Newan, P.S-Pipra, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Abhay Kumar Singh, Advocate
		Mr.Deovind Kumar Singh
For the Opposite Party/s	:	Mr.Lakshmi Kant Sharma, APP
For the Informant	:	Mr.Shadab Akhter

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 12-02-2021 Heard learned Counsel for the parties.

This application for grant of regular bail arises out of Sessions Trial No. 224 of 2020, arising out of Beur P.S. Case No. 315 of 2019, disclosing offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is in custody since 25.08.2019.

Allegedly, co-accused Rishi Kumar had taken the informant's brother to a room in the premises of agricultural farm house, where allegedly the petitioner and other persons were already present. He was subsequently found shot dead.

On perusal of the case diary, it appears that the



petitioner accepted his involvement in conspiring the occurrence before the police during the course of investigation.

Mr. Abhay Kumar Singh, learned counsel for the petitioner has argued that even if so called statement made before the police is taken to be correct, there is no acceptance of his involvement in the act of killing of the deceased with any motive.

Learned counsel for the informant has drawn this Court's attention to an order of this Court dated 24.11.2020 passed in Cr. Misc. No. 16433 of 2020, whereby, co-accused Rishi Kumar has been refused the privilege of regular bail with a the direction to the Court below to expedite conclusion of trial.

In response to the said submission, Mr. Singh, learned counsel for the petitioner has argued that there were materials found during the course of investigation against co-accused Rishi Kumar of his participation in commission of the offence of killing as is evident from the said order. He has submitted that over and above the allegation of conspiracy, there is no material against the petitioner.

Be that as it may, considering the materials collected in course of investigation as available in the case diary, I am of the view that a case for grant of regular bail is made out.



It has been submitted by Mr. Singh, learned counsel for the petitioner that the petitioner shall not absent himself from the proceedings of the trial before the Court below and shall cooperate in expeditious disposal of the trial.

Considering the facts and circumstances as noted above, this application is allowed.

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 the learned Additional district and Sessions Judge-XXV, Patna in Sessions Trial No. 224 of 2020 arising out of Beur P.S. Case No. 315 of 2019.

If the petitioner is found to be breaching the process of expeditious conclusion of trial in any manner, the informant or the State shall be at liberty to approach this Court for cancellation of his bail.

(Chakradhari Sharan Singh, J)

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