

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42485 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- HARNAUT District- Nalanda

Karmayodha Kumar @ Avinash Kumar S/O Arun Kumar @ Arun Singh R/o
village- Daili, P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur Ms. Vaishnavi Singh Mr. Ritwik Thakur
For the Informant	:	Mr. Sanjeev Kumar Mr. Ranjit Kumar
For the Opposite Party/s	:	Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-10-2021 Heard both parties.

The petitioner seeks bail in Harnaut P.S. Case No. 10 of 2020, registered for the offence punishable under Sections 302, 120B/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, two unknown miscreants came on motorcycle and indiscriminately fired upon the son of informant, who died on the way to hospital. It is further alleged that petitioner along with two other co-accused after hatching up criminal conspiracy got the son of informant murdered by hiring two criminals.

It is submitted on behalf of the petitioner that



petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on the disclosure of co-accused Dhiraj Lal who has been granted bail by this Hon'ble Court vide order dated 17.04.2021 passed in Cr. Misc. No. 6999 of 2021. Other similarly situated co-accused have been granted bail by different Benches of this Court vide order dated 08.02.2021 passed in Cr. Misc. No. 38265 of 2020, dated 09.11.2020 passed in Cr. Misc. No. 29445 of 2020, order dated 22.02.2021 passed in Cr. Misc. No. 35378 of 2020, order dated 09.07.2021 passed in Cr. Misc. No. 8454 of 2021 and dated 08.03.2021 passed in Cr. Misc. No. 12419 of 2021 vide Annexure-3 series. Further submitted that during course of investigation, the police recorded statement under Section 164 Cr.P.C. of five persons namely, Dheeraj Kumar, Vijay Kumar, Lakshmi Narayan Pandey, Santosh Kumar, Dilip Kumar Singh and all of them have claimed to be eye-witness of the occurrence, but none of them claimed that petitioner is one of the assailants. Petitioner is in custody since 13.05.2021.

Counsel for the informant opposed the bail application and submitted that during course of investigation it has come that the phone which was used in the commission of crime belongs to Saheb Mahto.



Considering the rival submissions, materials available on record and the fact that similarly situated co-accused have been granted bail by this Hon’ble Court, the petitioner above-named, is directed to be enlarged 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 Chief Judicial Magistrate, Nalanda in connection with Harnaut P.S. Case No. 10 of 2020.

(Prabhat Kumar Singh, J)

vinita/-

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