

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31944 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- DIGHA District- Patna

=====

Juganu Kumar @ Sonu Kumar @ Juganu, aged about 20 years, Gender-M,
S/o - Sri Yogendra Singh, R/v- XTTI, Digha, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the State : Mr. Nagendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-03-2021

Heard Mr. Vijay Kumar Sinha, learned counsel for the petitioner and Mr. Nagendra Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Digha PS Case No. 82 of 2020 dated 13.02.2020 corresponding to G.R. No. 1378 of 2020, instituted under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The allegation against the petitioner and others is of being party to the murder of the son of the informant.

4. Learned counsel for the petitioner submitted that he has been falsely implicated only on the basis of the so-called confessional statement of co-accused Santosh Kumar that too before the police. It was submitted that even as per the said



confessional statement, the petitioner is said to have come to the house of Santosh Kumar with one Parmeshwar Kumar who had expressed his grudge that the deceased was party to the killing of the father of Parmeshwar Kumar and, thus, a plan was chalked out to kill the deceased. Further, it has been stated that the petitioner took part in the recce with regard to the movement of the deceased. Learned counsel submitted that the same is unbelievable for the reason that the daughter of the deceased, whom the deceased had dropped at Hartman School, had witnessed the deceased talking to accused Santosh Kumar and Santosh Kumar had sat behind him and went away on the motorcycle. Thus, it was submitted that the co-accused Santosh Kumar was already at the school and had taken the deceased sitting behind him on the motorcycle of the deceased on some pretext. Learned counsel submitted that Santosh Kumar has been identified in the CCTV but the petitioner has not been identified and further that there is no occasion for the petitioner to be involved as he had no grudge against the deceased and, thus, cannot be expected to commit such a major crime of murder without there being any real motive. Learned counsel submitted that the petitioner has no criminal antecedent.

5. Learned APP, from the case diary, submitted that co-



accused Santosh Kumar has taken the name of the petitioner as being the person who was doing the recce with regard to the movement of the deceased. However, he did not controvert that no other role has come against the petitioner and also that the daughter of the deceased had taken the name only of Santosh Kumar sitting behind the deceased on his motorcycle and going away. It was submitted co-accused Parmeshwar Kumar has been declined privilege of anticipatory bail by order dated 03.02.2021 in Cr. Misc. No. 32234 of 2020.

6. Learned counsel for the petitioner submitted that Parmeshwar Kumar was the main person who was having motive as he had alleged that the deceased was party to the killing of his father and in such background, there is a direct link between the murder with Parmeshwar Kumar but as far as the petitioner is concerned, no motive has come even in the entire investigation and no witness has stated either with regard to seeing the petitioner or the petitioner having connection in the crime and only on the sole confessional statement of co-accused Santosh Kumar, he has been implicated.

7. 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 learned S.D.J.M., Patna in Digha PS Case No. 82 of 2020, G.R. No. 1378 of 2020, 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, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioner.

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

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

