

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36882 of 2020

Arising Out of PS. Case No.-352 Year-2019 Thana- SAHPUR District- Bhojpur

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KAPILDEO SONAR @ KAPILDEO PRASAD Son of Late Jagarnath Sonar
Resident of Village - Shahpur, P.S. - Shahpur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Pravin Kumar, Advocate
For the Opposite Party/s :		Mr.J.K.Singh, APP
For the Informant		Mr. Rajendra Nath Singh, Advocate
		Mr. Balajeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 05-03-2021 Heard learned counsel for the petitioner and learned

APP for the State. Learned counsel for the petitioner has filed an

undertaking to remove all the defects pointed out by the Stamp

Reporter as and when required. It is accordingly directed that all

defects pointed out by the Stamp Reporter be removed within

one month hereof.

2. The petitioner is in custody since 20.12.2019 in
connection with Shahpur P.S. Case No. 352 of 2019 for the
alleged offences under Sections 307, 302 and 386/34 of the
Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the
Arms Act.

3. It is submitted that the petitioner has been falsely



implicated in connection with the alleged murder of Jyoti Kumar Gupta @ Majhil Gupta by the accused persons. It is submitted that even in the FIR the allegation is of giving order and no overt act whatsoever has been alleged against the petitioner, who is a man of advanced age of about 71 years. He is accused in two prior cases, in one of which final report has been accepted and the other is under minor Sections of the IPC, in which, it is stated on instructions, that final report has been submitted.

4. Learned APP assisted by learned counsel for the informant appears and has been heard. No specific material with regard to any overt act has been pointed out in the case diary.

5. A perusal of paragraph 30 of the supplementary case diary containing the statement of Shanti Kuer, mother of the deceased, disclosed that she had not named the petitioner as being present at the spot during the occurrence.

6. Be that as it may and having regard to the period of custody already suffered since 20.12.2019, 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 learned Additional Chief Judicial Magistrate, 1st, Bhojpur at Ara in connection with Shahpur



P.S.Case No.352 of 2019, if he is not otherwise required in any other case.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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