

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2850 of 2021

Arising Out of PS. Case No.-82 Year-2019 Thana- NARAINPUR District- Bhojpur

CHOTTU SAH @ CHATTU SAH son of Narayan Sah Resident of Village-
Narayanpur, P.S. Narayanpur, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kalyan Shankar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-03-2021 Heard both parties.

The petitioner seeks bail in Narayanpur P.S. Case No. 82 of 2019, registered for the offence punishable under Sections 341, 323, 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 25.10.2019 at 4.30 pm, while the informant's son was going to Narayanpur from his bike to bring his mother, on the way, three unidentified miscreants stopped his bike and co-accused Vikash Kumar fired upon him which hit his temple causing his death on the spot.

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 basis of confessional statement of co-accused Vikash Kumar.



It is further submitted that as per the FIR specific allegation of firing is against co-accused Vikash Kumar. There is no allegation of overt act against this petitioner. Postmortem report also reveals that cause of death is firearm injury. Petitioner is in custody since 29.01.2020 having no criminal antecedent, as stated in para 3 of the petition. Chargesheet has already been submitted.

Considering the facts and circumstances of the case that specific allegation of firing is against co-accused Vikash Kumar, as a result of which deceased died and there is no allegation of overt act against this petitioner, 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, Bhojpur at Ara in connection with Narayanpur P.S. Case No. 82 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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