

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37252 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- PUNPUN District- Patna

Atal Bharti @ Sunil Kumar Son of Shiv Choudhary @ Jatta Choudhary
Resident of Village - Olidad, Police Station - Mehendiya, District - Arwal
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baua Jha, Advocate
For the State	:	Ms. Pushpa Sinha APP
For the Informant	:	Mr. Sada Nand Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-02-2021 Heard learned counsel for the petitioner, informant and the learned APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Punpun PS Case No 40 of 2020, instituted for the offence under Sections 302, 120B/34 of the Indian Penal Code and Sections 25(1-b)a, 26,35, and 27 of the Arms Act.

The informant's son has gone missing and subsequently he has been found dead by a gunshot injury in the back of his head.

The petitioner's counsel submits that merely due to statement of co-accused Gopal Kumar, he has been implicated in this case. Such confessional statement of co-accused has no evidentiary value. The petitioner has no criminal antecedents



and he is in custody since 07.02.2020.

The learned counsel for the informant and APP have opposed the prayer for bail. Referring to the materials collected in the course of investigation, it is submitted that the arms used in the killing was recovered at the instance of the petitioner and co-accused Gopal Kumar. The call details also corroborates the petitioner's complicity in the occurrence.

Considering the rival submissions, the Court, for the present, is not inclined to extend the benefit of bail to the petitioner.

Accordingly, the prayer for bail made on behalf of the petitioner stands rejected.

(Madhuresh Prasad, J)

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