

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40962 of 2020

Arising Out of PS. Case No.-286 Year-2019 Thana- TATARPUR District- Bhagalpur

1. SEEMA KUMARI Daughter of Raghunandan Prasad Singh @ Raghunandan Singh @ Raghunandan Mandal Resident of Mohalla - Urdu Bazar, P.S.- Tatarpur, District - Bhagalpur.
2. Neeraj Kumar Singh @ Neeraj Singh @ Niraj Kumar Son of Raghunandan Prasad Singh @ Raghunandan Singh @ Raghunandan Mandal Resident of Mohalla - Urdu Bazar, P.S.- Tatarpur, District - Bhagalpur.
3. Birju Yadav @ Braj Mohan Yadav Son of Sadri Yadav Resident of Mohalla - Urdu Bazar, P.S.- Tatarpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Jha, Advocate
For the State	:	Mr. Amitesh Kumar, A.P.P.
For the Informant	:	Mr. Ravi Shankar Pankaj, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-03-2021 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

The petitioners have filed the instant application for grant of regular bail in connection with Tatarpur P.S. Case no. 286 of 2019 registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the first information report, the elder brother of the informant was shot dead by unknown persons.



It is submitted by learned counsel for the petitioners that the first information report was registered against three unknown. The name of the petitioners transpired on the basis of suspicion raised in the confessional statement of co-accused Raj Kumar Yadav. No incriminating article has been recovered nor any role alleging overt act has been alleged against them. It is submitted that co-accused Raj Kumar Yadav also took the name of petitioners and he himself has been enlarged on bail vide order dated 28.2.2020 (Annexure 3) passed in Cr. Misc. No. 12005 of 2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that a number of witnesses in course of investigation including in paragraph nos. 7 and 29 had raised suspicion with respect to the involvement of the three petitioners herein and specially the petitioner no. 1. It is further submitted that on the basis of further investigation carried out and the CDR report, it was found that the petitioner no. 1 was in direct contact with the co-accused Kishore Kumar who was at the place of occurrence.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, the material which has transpired in course of investigation, the petitioners being in custody since 23.12.2019, 23.12.2019 and 25.11.2019 respectively together with grant of bail to co-accused Kishore Kumar vide order dated 31.8.2020 (Annexure 4) passed in Cr. Misc. No. 16155 of 2020, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Tatarpur P.S. Case no. 286/2019 (S.T. No. 155 of 2020) on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Bhagalpur.

(Partha Sarthy, J)

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