

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41046 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- RANIYATALAB District- Patna

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Akhilesh Kumar @ Tunnu S/o Ashok Sharma @ Ashok Singh R/o Village-
Lai, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Dilip Kumar, APP
For the informant	:	Mr. Abhay Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-04-2021 Heard learned counsel for the petitioner, learned
A.P.P for the State and learned counsel for the informant
through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Rani Talab P.S. Case no.
2 of 2020 registered under sections 302 and 34 of the Indian
Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., the elder son of the
informant was killed while he was returning from the house of
his *Mausa* (uncle).

It is submitted by learned counsel for the petitioner
that the F.I.R. was registered against unknown. The name of the
petitioner transpired in course of investigation. Admittedly, there



is no eye witness to the occurrence. At best a suspicion has been raised against the petitioner in the statements of relatives of the informant as also some independent witnesses who are close to the family of the informant. No explanation has been given as to why the petitioner was not named in the F.I.R. itself. The case of the petitioner stands on a similar footing to that of co-accused Suraj Kumar who has been enlarged on bail vide order dated 22.2.2021 passed in Cr.Misc. no.38437 of 2020. The petitioner is in custody since 10.1.2020 i.e more than one year and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

It is submitted by learned counsel for the informant that the case is one of pre-planned murder of a journalist. The petitioner has played an active role in the murder which has been confirmed not only by the statement of the independent witnesses who have seen the petitioner going in the direction of the place of occurrence but in a pre-planned manner the weapon was provided to the co-accused. The case has been found to be true and charge sheet has been submitted.

Having heard learned counsel for the parties and taking into consideration the materials on record including the



fact that there is no eye witness to the occurrence and the period in custody, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Rani Talab P.S. Case no. 2 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 Judicial Magistrate 1st Class, Danapur.

(Partha Sarthy, J)

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