

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1795 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- BARH District- Patna

1. MOHIT KUMAR @ ADITYA KUMAR S/O RAGHUBANSH SINGH @ RAGHUBANSH KUMAR RESIDENT OF VILLAGE - AGAWANPUR, POLICE STATION - BARH, DISTRICT.- PATNA.
2. MANISH KUMAR S/O PRAMHANS SINGH RESIDENT OF VILLAGE - BICHALI MALAHI, POLICE STATION - BARH, DISTRICT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-03-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are in custody since 14.07.2020 in connection with Barh P.S. Case No. 242/2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 08.07.2020, while the brother of the informant (deceased) was going to purchase milk, two unknown miscreants came on motorcycle and shot his brother dead and, thereafter, both of them fled away toward Sahari.

It is submitted on behalf of the petitioners that petitioners



are not named in the FIR and the name of these petitioners surfaced during the course of investigation. It is further submitted that nothing has been recovered from the possession of the petitioners save and except, cash of Rs. 15,000/-, blank cheque of State Bank of India and mobile phone. It is submitted that wife of the deceased Sobha Devi had managed to kill her husband with the co-operation of co-accused persons and his lover Golu @ Sunni Kumar and on her confessional statement, the petitioners and other co-accused persons have been arrested by the police. It is next submitted that save and except the confessional statement, there is no other material to indicate the complicity of this petitioner in the present case. It is submitted that co-accused Golu Kumar @ Sunny Kumar has already been granted bail by this Court vide order dated 26.02.2021 passed in Cr. Misc. No. 34385 of 2020. Chargesheet has already been submitted in this case. Petitioners have got no criminal antecedent and they are in custody since 14.07.2020.

Considering the aforesaid facts and circumstances and that save and except the confessional statement, there is no other cogent material to show the complicity of this petitioner and chargesheet has already been submitted in this case, the bail petition of the petitioners is allowed. Let the petitioners above



named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned C.J.M., Barh,Patna, in connection with Barh P.S. Case No. 242/2020, subject to following conditions:-

(1) Petitioners 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 on their absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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