

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1727 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

SANJAY KUMAR SON OF SHRIRAM RESIDENT OF MOHALLA -
DHOBIGHATAWA, SIDHARTH NAGAR, P.S. -ARA NAWADA,
DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-03-2021 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 11.7.2020 in
connection with Ara (Muffasil) P.S. Case No. 183/2020
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 15.06.2020, father of
the informant went on bullet motorcycle to the clinic of co-
accused Pintu with rupees one lakh for purchasing a piece of
land. When he did not return, the informant went to the clinic of
co-accused Pintu, but did not find his father. Later on, on
16.06.2020, in the morning, he learnt that dead-body of his



father is lying near Kaushik Dularpur. The informant claims that Pintu got his father killed for grabbing the money.

It is submitted on behalf of the petitioner that petitioner is not named in this F.I.R., his name transpired in the confessional statement of co-accused before the police which has no evidentiary value. It is further submitted that only on the ground of suspicion that petitioner is driver of co-accused Pintu and on the alleged date of occurrence he was driving the Scorpio vehicle of co-accused Pintu, he has been falsely implicated in this case. It is next submitted that, save and except suspicion, there is no cogent material to show the complicity of this petitioner with the aforesaid crime. Chargesheet has already been submitted in this case. Petitioner bears no criminal antecedent and is in custody since 11.07.2020.

However, learned counsel appearing on behalf of the informant vehemently opposed the bail application and submitted that petitioner is a driver and he was seen driving the vehicle of the co-accused Pintu on the date of occurrence.

Considering the aforesaid facts and circumstances and the nature of allegation coupled with the fact that the petitioner bears a clean antecedent, the bail petition of the petitioner is allowed. Let the petitioner 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 ACJM-VII, Bhojpur at Ara, in connection with Ara (Muffasil) P.S. Case No. 183/2020, subject to following conditions:-

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

(2) If the petitioner 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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