

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6154 of 2021

Arising Out of PS. Case No.-102 Year-2019 Thana- PARBATTA District- Bhagalpur

BIKASH KUMAR SON OF CHANDRA SHEKHAR KUMAR RESIDENT
OF VILLAGE- TULSIPUR, P.S.- KHARIK, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Singh
For the State	:	Mr. Anant Kumar No. 1
For the informant	:	Mr. Rakesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-06-2021 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through Video Conferencing.

The petitioner seeks regular bail in connection with Parbatta Police Station Case No. 102 of 2019, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, as per the First Information, is that the brother of the informant was intercepted by three named accused persons, who fired upon the brother of the informant, due to which he died. The name of the petitioner transpires after 43 days of the alleged occurrence on the basis of the confessional statement of co-accused Govind Kumar.

Learned Counsel for the petitioner submits that the informant claims himself to be the eye-witness to the occurrence



and he has specifically stated that the motorcycle of his brother was intercepted by the named accused persons, who fired upon his brother, due to which he died. He further submits that from perusal of the confessional statement of co-accused Govind Kumar (recorded in paragraph 293 of the case diary), it would be evident that co-accused Rakesh Rai had given a feast, in which the petitioner had also participated. He next submits that the petitioner is in custody since 23.06.2020 and charge sheet has been submitted in this case and as such there is no likelihood of the petitioner being abscond or tamper with the evidence.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the informant vehemently oppose the prayer for bail and submit that in the confessional statement of co-accused, it is stated that all the persons, who had participated in the feast, had made planning for the murder of the deceased and the petitioner had participated in the feast and was involved in the conspiracy to kill the deceased.

Upon this, learned Counsel for the petitioner submits that except the confessional statement, no other cogent material has been brought by the police in course of investigation to connect the petitioner with the alleged murder of the deceased



as conspirator.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the name of the petitioner transpires on the basis of the confessional statement of co-accused and the petitioner is in custody since 23.06.2020, and charge sheet has been submitted in this case, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Naugachia, Bhagalpur, in connection with Parbatta Police Station Case No. 102 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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