

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7387 of 2021

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

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SURAJ TANTI SON OF LATE MAHESH TANTI RESIDENT OF
MOHALLA -SURKHIKAL, P.S.- BARARI, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Praveen Kumar, Advocate
For the State	:	Ms Madhuri Lata, APP
For the Informant	:	M/s Ravi Shankar Pankaj, Krishna Kr Yadav, Advs

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

7 10-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner; learned
counsel for the informant and the learned Additional Public
Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Sessions Trial No 155
of 2020 arising out of Tatarpur Police Station (for brevity, *PS*)
Case No 286 of 2019 instituted initially for the offence
punishable under Sections 302/34 of Indian Penal Code (for
brevity, *IPC*) but later on added with Section 120B of IPC and
Sections 27 of Arms Act.

Informant's younger brother has been done to death
by three unknown assailants. In the course of investigation, the



police has come across a conspiracy that altogether 15 persons, under kingpin, namely, Ajay Mishra, have allegedly conspired in the killing.

Petitioner's implication is based on confessional statement of Md Zeeshan recorded in paragraph 215 of case diary as well as Closed-Circuit Television (for brevity, *CCTV*) footage of a place at some distance from the place of occurrence wherein he has been seen fleeing away. Petitioner's counsel submits that the CCTV footage has not been collected in accordance with the Evidence Act. At best, in the footage, it is shown that the petitioner was running away from the place of occurrence which is natural as anyone would run away from a place where such occurrence takes place. Learned counsel for the petitioner also disputes petitioner's identification in the CCTV footage. As regards Md Zeeshan's statement, which has been referred in detail by the learned APP, the same is confessional statement of co-accused. In so far as its exculpatory aspect is concerned, the same may not be relied upon by this Court as it is not in accordance with law. The said Md Zeeshan has also named Md Aamir, who has been granted bail by this Court by order dated 26.07.2021 passed in Cr Misc No 3988 of 2021.



Learned APP and learned counsel for the informant have opposed the prayer for bail. It is submitted that the petitioner's involvement in the conspiracy has surfaced in the course of investigation.

Considering the rival submissions and the admitted position that, till date, no progress in the trial has taken place and the petitioner is in custody since 08.01.2020, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IV, Bhagalpur in connection with Sessions Trial No 155 of 2020 arising out of Tatarpur PS Case No 286 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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