

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7903 of 2021

Arising Out of PS. Case No.-77 Year-2019 Thana- SALIMPUR District- Patna

Chhotu Kumar @ Rajan, S/o Yamuna Yadav @ Yamuna Prasad, R/o Mohalla-
Om Colony Nakhas Pind, Patna City, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Salimpur P.S. Case No.77 of 2019 registered for the offence
punishable under Sections 302, 394/34 of the Indian Penal Code
and Section 27 of the Arms Act.

Informant's son has been killed by four miscreants.
The cousin brother-in-law of the victim conveyed to the



informant that he has seen the assailants and he claimed to have identified them, which has led to registration of FIR against unknown. The name of the petitioner has surfaced on the basis of his self-confessional statement recorded in Salimpur P.S. Case No.90 of 2019.

Petitioner's counsel submits that the petitioner is not named in the F.I.R. but merely on suspicion, the petitioner has been roped in the present case. The informant's relative claimed to have identified the assailants, but the petitioner has not been put on T.I.Parade. No incriminating articles has been recovered from the possession of the petitioner. It is further submitted that the confessional statement made before the police has got no evidentiary value. Similarly situated co-accused Manish Kumar has been allowed provisional bail for a period of three months in Cr.Misc. No.20354 of 2020, vide order dated 02.07.2020, which was directed to be confirmed by the court below itself within three months. Counsel for the petitioner submits that upon his arrest on 06.05.2019 in Salimpur P.S. Case No.90 of 2019, petitioner has been remanded in the present case on 26.09.2019 and three other cases, as per details mentioned in paragraph 3 of the bail petition. In none of the cases, he has been named as an accused. He is on bail in all these cases.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., Barh, Patna, in connection with Salimpur P.S. Case No.77 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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