

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9258 of 2021

Arising Out of PS. Case No.-362 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

CHHOTU KUMAR @AICHA SON OF RAJAN SWARNKAR RESIDENT
OF VILLAGE- BARIHAT SABOUR, P.S- SABOUR, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-09-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

The petitioner seeks bail in connection with Mojahidpur
P.S. Case No.362 of 2019 registered for the offence punishable
under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution case in short is that the brother of
informant was shot dead while he was returning on motorcycle
with his staff Vikas Kumar Gupta.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence as
alleged in the FIR. No offence in the manner as alleged has ever
took place. He is not named in the FIR nor apprehended on the
spot. He has been falsely implicated in this case on the basis of
confessional statement of co accused before police. No



incriminating article has been recovered from the conscious physical possession of the petitioner. No T.I. Parade has been conducted till date. No specific overt act has been attributed against the petitioner. Only allegation against the petitioner is that he works as a liner. Similarly situated co-accused has been granted bail vide Cr. Misc. No.28675 of 2021 dated 17.08.2021. The petitioner has no criminal antecedent and has been languishing in custody since 26.02.2020.

Learned APP for the State opposed the prayer for bail by submitting that the petitioner is also involved in the said offence.

Considering the arguments of the parties and on perusal of the record including the case diary, it is apparent that the allegation against the petitioner is that he works as a liner, which he has confessed in his confessional statement. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur in connection with Mojahidpur P.S. Case No.362 of 2019.

(Anjani Kumar Sharan, J)

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