

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10061 of 2021**

Arising Out of PS. Case No.-19 Year-2020 Thana- BACHHHWARA District- Begusarai

Shiv Nath @ Monu Son of Dev Narayan Kuwar Village Bharol Ps Cachwara
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 15-07-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Bachhwara P.S. Case no. 19 of 2020 registered under sections 302, 384, 386, 387 and 120B of the Indian Penal Code and section 27 of the Arms Act.

As per allegation the F.I.R., three accused persons are stated to have threatened the informant by putting the pistol on his temple and asking him to proceed with the construction work only after 5% of the estimated amount is paid by way of ransom. It is stated that they went away firing. Information with respect to the same was given by the informant to his boss who passed information to the department and they were assured of proper security. It is stated that soon thereafter co-workers of the



company namely Rajnish Kumar and Md. Kaishar Alam were shot dead.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against three unknown, the name of the petitioner transpired in course of investigation on the confessional statement of co-accused Sandeep Kumar made before the police. No incriminating material has transpired in course of investigation to connect the petitioner with the alleged crime except the petitioner having criminal antecedents. In most of the cases he has been enlarged on bail, he is in custody in the instant case since 2.6.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State who submits that in addition to the name of the petitioner transpiring in the confessional statement of co-accused Sandeep Kumar, from the tower locations of the mobile phone of the petitioner it has transpired that he was in the vicinity of the place of occurrence at the time of occurrence. Even the neighbours have raised suspicion against him. The petitioner subsequently confessed his guilt and pursuant thereto a country made pistol and four live cartridges were recovered from behind the house of the petitioner. He is accused in 12



cases.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material that has transpired in course of investigation and the petitioner having remained in custody for more than one year, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Bachhwara P.S. Case no. 19 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai.

(Partha Sarthy, J)

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