

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10781 of 2021**

Arising Out of PS. Case No.-183 Year-2020 Thana- JAKKANPUR District- Patna

Sanjit Kumar @ Sanjit Rai @ Khurkhuri, Son of Raju Prasad Gupta, Resident
of Byapur, P.S.- Maner, Distt.- Patna. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Sucheta Yadav, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 21-08-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Jakkanpur P.S. Case No. 183 of 2020 registered
for the offence punishable under Section 302 of the Indian Penal
Code. He is in custody since 06.04.2020.

As per the prosecution story, the dead body of the
uncle of the informant was found in a decomposed situation
inside the Gumti and the articles kept in the rented room were
scattered giving some impression that somebody had taken
away the articles and the key of the room was lying on the bed.
The victim was not seen after 27.02.2020. His dead body was

recovered on 16.03.2020 and F.I.R. was lodged against unknown.

Learned counsel for the petitioner submits that in course of investigation the name of the petitioner transpired in the confessional statement of the co-accused Akash who alleged that this petitioner was involved in the conspiracy, however, the co-accused Akash and another co-accused Chelwa @ Pankaj had gone to the Gumti where they had killed the uncle of the informant. Learned counsel submits that he also disclosed that he and co-accused have destroyed the mobile phone of the deceased.

Learned counsel further submits that the confessional statement of the petitioner was also extracted in Police custody. It is, however, his submission that one thing is apparent in course of investigation that this petitioner had not planned to murder the deceased and at best he was the part of the conspiracy to somehow take away the money belonging to the deceased. It is his further submission that the petitioner had not gone on the spot and as per his information the co-accused Akash has been granted bail being a juvenile, however, the certified copy of the said order is not available.

Learned counsel submits that the petitioner is also an

accused in one more case in which he is said to be on bail.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is his submission that from the CDR of the mobile it has been found that this petitioner was also contacted after the crime was committed and the recovery of mobile is at the instance of the petitioner and the co-accused.

Considering the facts and circumstances of the case wherein the name of this petitioner has come as a conspirator in the alleged crime, the co-accused Aakash who has allegedly executed the same has been granted bail as informed to this Court and the recovery is at the instance of the co-accused whose confessional statement has been extracted, the petitioner has remained in custody for over one year, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Patna in connection with Jakkanpur P.S. Case No. 183 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage

it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.