

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3369 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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KISHAN KUMAR @ LALLU Son of Sri Jhapshi Paswan Resident of
Village- Yogiya Math, P.S.- Nagar Thana (Town), District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 394 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.01.2021, has antecedent of one case and charge-sheet has been submitted in the case.

The informant alleges that on 07.01.2021 at 10PM he left his shop and when he reached near B.D. College, three unknown motorcycle borne criminal intercepted him and shot his brother (Abhishek Kumar Agarwal), who died and snatched his bag containing Rs.50-60 thousand in cash along with some important document as detailed in the FIR. Accordingly, the police was



informed and the brother of the informant was taken to the hospital where he was declared as dead.

Learned counsel for the petitioner submits that FIR was against unknown and the petitioner was arrested in Muzaffarpur Town P.S. Case No. 21 of 2021 on 12.01.2021 and was made to confess his participation in the present occurrence. He further submits that the petitioner in his confessional statement confessed that he worked as a Spy for the accused persons who committed the present occurrence. It is further submitted that the statement of one of the accused, Deepak was recorded under Section 164 of the Cr.P.C. wherein he had disclosed that he along with Sonu and Raj Kumar was involved in the occurrence of loot, murder and firing was made by Sonu. It is thus submitted that even Deepak, whose statement was recorded under Section 164 of the Cr.P.C. does not even mentioned the name of the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and taking into consideration the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection



with Muzaffarpur Town P.S. Case No.13 of 2021 subject to the condition that one of the bailer shall be father of the petitioner, namely, Jhapshi Paswan.

Further, the learned court below shall release the petitioner after perusing the statement recorded under Section 164 Cr.P.C., comes to a conclusion that the Deepak has not named this petitioner in his statement recorded under Section 164 of the Cr.P.C.

(Satyavrat Verma, J)

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