

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4036 of 2022

Arising Out of PS. Case No.-425 Year-2020 Thana- EKMA District- Saran

Azad Kumar Gupta S/o Late Bhagwan Prasad, R/o village- Parsagadh Bazar,
P.S.- Ekma, District- Saran at Chapra

.. ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan, Advocate
For the Informant	:	Mr. Ravi Bhushan Pd. Sinha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 15-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Chapra Ekma P.S. Case No. 425 of 2020
registered for the alleged offences under Sections 302 r/w 34 of
the Indian Penal Code and Section (1-b)a, 26 and 35 of the
Arms Act.

As per prosecution case, the nephew of the informant
was threatened with life by three motorcycle borne miscreants.
On the date of occurrence, the nephew of the informant was
called out on his mobile phone and unknown criminals shot him
dead. The name of the petitioner transpired during investigation
as one of the accused persons involved in the murder of the



nephew of the informant.

The learned counsel for the petitioner submits that name of the petitioner has been roped in this case merely on suspicion. The date of occurrence is allegedly 06.12.2020 and the information was also given to police on 06.12.2020, but the F.I.R. was sent to the court of learned A.C.J.M. on 15.12.2020 without any explanation. There is no eye witness to the alleged occurrence and no cogent or credible material has come during investigation which might show the involvement of the petitioner in the alleged occurrence. There is no motive or reason for the petitioner to commit the alleged crime. The petitioner has been made accused merely on the fact that a call of 23 seconds has been made from the mobile number of the petitioner to the mobile of the deceased. The petitioner is in custody since 17.02.2021 and charge-sheet has been submitted in this case.

Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits petitioner was named by the witnesses who were examined during the investigation and he was also present at the place of occurrence.

Perused the record.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the alleged offence and further considering the period of the custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Ekma P.S. Case No. 425 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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