

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24036 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- ALIPUR District- Gaya

Shaurabh Kumar @ Shrawan Kumar Son of Late Birendra Paswan Resident
of Village/ Mohalla- Makhdumpur, P.S.- Alipur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate. With
Mr. Avinash Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

10 22-06-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Manish Kumar No. 2, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Alipur P. S. Case No. 37 of 2020
registered for the offences punishable under Sections 302 and
120 (B) of the Indian Penal Code and Section 27 of the Arms
Act.

As per the prosecution case, it is alleged that on



07.06.2020 while the father of the informant was on duty at Quarantine Centre, Makhdumpur School, he received a phone call and went to Nimsar Pul and thereafter, he did not return from there. Later on, the dead body of his father was found. It is suspected that some unknown persons killed his father.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is son of the deceased and also informant of the present case. However, during the course of investigation the number from which the deceased received the call has been verified and the same was found in the name of one Radha Devi, who disclosed the name of two persons Arvind Kumar and Lallu Yadav @ Ajit Kumar and they have been apprehended by the Police. The aforesaid two accused persons have made confessional statement before the Police that it is the petitioner, who hired them for killing of his father. It is further submitted that except the confessional statement of these two persons there is no material, which suggests the complicity of the petitioner in the present case in as much as there is no money transaction between the co-accused persons and the petitioner. It is next submitted that the investigation of the present crime has already been concluded and the charge-sheet has been submitted in the present case. It is



lastly submitted that accused persons, namely, Arvind Kumar and Lallu Yadav @ Ajit Kumar on whose confession the name of the petitioner has transpired have already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 1962 of 2021 vide order dated 20.05.2021 and in Cr. Misc. No. 53059 of 2021 vide order dated 25.05.2022 respectively. The copies of which have been produced before this Court and the same have been taken on record.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the co-accused persons disclosed the name of the petitioner, who hired them for killing of his father and as such, the petitioner does not deserve the privilege of bail.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is not named in the F.I.R. and his name has transpired on the confessional statement of co-accused persons, who have already been granted bail by learned co-ordinate Bench of this Hon'ble Court, apart from that the investigation has already been concluded and charge-sheet has been submitted and this petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.



20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya in connection with Alipur P. S. Case No. 37 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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