

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14570 of 2022

Arising Out of PS. Case No.-346 Year-2021 Thana- BYPASS District- Patna

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Gollu Kumar @ Arya @ Rajnish S/o Surendra Prasad @ Satendra Kumar
Mahto R/o Mohalla bahari Begampur, Sidde Bazar, P.S. Bypass, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Bypass
P.S. Case No. 346 of 2021 registered for the offence under
Sections 363, 365 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.08.2021.

The allegation against the petitioner is to kidnap the
son of the informant and to commit the murder along with other
co-accused persons.

Learned senior counsel appearing on behalf of the



petitioner submitted that the informant is not the eye-witness of the present occurrence and except suspicion, nothing incriminating surfaced, as per FIR. It is submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sagar. It has further been submitted that dead body was recovered, concealed in a bag, in furtherance of the confessional statement of the co-accused Sagar and the maximum incrimination is only to help in disappearing of the evidence by helping in concealing the dead body by the petitioner, with specific self inculcation to fire upon deceased . It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the informant is not the eye-witness of the occurrence and the entire allegation is based only on the suspicion, as per FIR.

Considering the facts and circumstances as mentioned above, informant is not the eye-witness, having limited allegation to cause disappearance of evidence, who is otherwise



a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bypass P.S. Case No. 346 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Vith, Patna City, Patna, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Surendra Prasad @ Satendra Kumar Mahto, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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