

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15669 of 2022

Arising Out of PS. Case No.-313 Year-2021 Thana- KASIMBAZAR District- Munger

Sanjeev Kumar, Son of Dinesh Shah Resident of - Shyampur, P.S.- Kotwali,
District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Kasim Bazar P.S. Case No.313 of 2021 instituted under
Sections 302, 120B and 34 of the Indian Penal Code and 27
Arms Act.

In this case, case diary was called for on 11.07.2022.

As the prosecution story, the deceased Deepika
Sharma was married to Ravi Kumar and it is alleged that due to
firearm injury, her left hand was not working properly and as
such she has not liked by her in-laws. Further, she was an
eyewitness to the murder of her mother by relatives of in-laws
and they were pressurizing her not to stand as a witness to the



said case which she had repeatedly refused. Accordingly, it has been alleged that the in-laws planned and executed the murder of the informant's daughter.

Learned counsel for the petitioner submits that he is stranger to the family and his name has come up in the confessional statement of accused Gautam Kumar who after his arrest narrated the story that he along with the petitioner herein as also co-accused Patlu @ Amardeep were assigned the job of killing the lady Deepika Sharma. Further as per the case diary, Gautam Kumar has confessed that on the fateful morning, while he remained outside the home of the deceased this petitioner and Patlu @ Amardeep went inside whereafter Patlu @ Amardeep opened fire killing Deepika Sharma.

Learned counsel for the petitioner submits that even going by the said confessional statement of accused Gautam Kumar, the role of firing has been assigned to co-accused Patlu @ Amardeep and not upon this petitioner. He submits that he is in custody since 16.11.2021 (as stated in para-14 of the bail application) and has no criminal antecedent.

Taking into account the narration in the para-36 of the case diary that accused Gautam Kumar has assigned the role of firing on Patlu @ Amardeep, the petitioner is in custody since



16.11.2021, has no criminal antecedent and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent this bail shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kasim Bazar P.S. Case No.313 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Munger, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for



cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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