

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25663 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- GOPALPUR District- Patna

SHAMBHU KUMAR S/O DINESH RAJAK R/O ISHAICAK PARSA
BAZAR, JHAICHAK, P.S-PARSA BAZAR, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Shivam, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 11.07.2020, seeks
regular bail in connection with Gopalpur P.S. Case No. 200 of
2020 registered for offences punishable under Sections 302/34
of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that daughter of the
informant, who is the wife of the petitioner was murdered by
gun shot by unknown persons. It has been alleged against the
petitioner that he had hired two shooters namely, Navin Kumar
and Rishi Kumar to commit murder of his wife. Informant of



this case is the mother-in-law of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been roped in the present case on the basis of his confessional statement made before the police in custody. The dead-body of the deceased was recovered from the roadside near *Jaganpura Mor*. There is no eye-witness to the alleged murder. The allegation against the petitioner is that he had conspired and had hired two shooters namely, Navin Kumar and Rishi Kumar who have already been enlarged on bail by this Court vide order dated 07.09.2021 passed in Cr. Misc. No. 14286 of 2021 and order dated 13.09.2021 passed in Cr. Misc. No. 21939 of 2021 respectively. He further submits that he is ready to abide by any condition imposed by this Court. He is ready to keep his two children namely, Rakhi Kumari and Pihu Kumari and will take care of their education as well as all financial expenses till their marriage.

Learned counsel appearing on behalf of the informant submits that the petitioner may be released on bail subject to the condition that the statement of the daughter of the petitioner be first taken by the Court below. In case, they don't have any apprehension of threat of life and wants to stay along with the petitioner, who is their father then in that case the petitioner may



be enlarged on bail with a condition that at any time before the two children get married there is any complaint against the petitioner, the bail bond shall be cancelled.

Learned A.P.P., for the State has supported the submission made by the informant.

Considering the rival submission of the parties as well as concession made on behalf of the informant, in absence of any eye witness and two co-accused against whom there is direct allegation of having committed the murder of the wife of the petitioner have already been enlarged on bail, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge IX cum ACJM, Patna in connection with Gopalpur P.S. Case No. 200 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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