

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28154 of 2021

Arising Out of PS. Case No.-658 Year-2018 Thana- KHAJANCHI HAT District- Purnia

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SURAJ KUMAR BISHWAS SON OF BINOD BISHWAS Resident of
Village - Near Law College Bidyapatinagar, P.S.- K. Hat, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh
		Mr. Sanjay Kumar Singh
For the Opposite Party/s :		Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 29-03-2022 Heard the parties.

Petitioner seeks regular bail in connection with K. Hat
PS Case No. 658 of 2018 registered under Sections 302 / 224 /
34 and 120 of the I.P.C. and Section 27 of the Arms Act.

Prosecution story in nutshell is that the informant got
an information on 19.9.2018 that juveniles in of the Observation
Home in conflict with law namely, Shubham Kushwaha,
Brajesh Singh, Ritesh Eklauta Gupta @ Kallu, Karn Kumar @
Raja and Vikash Yadav had fired on the employee of the
Observation Home namely, Bijendra Kumar and other juvenile
in conflict with law namely Saroj Kumar due to which they
died.

This is 2nd attempt for bail on behalf of the petitioner



inasmuch as earlier the bail application of the petitioner was rejected by a Co-ordinate Bench of this Court in Cr. Misc. No. 40131 of 2019. The petitioner is in custody since 27/10/2018.

Learned counsel for the petitioner submits that while rejecting the bail application of the petitioner earlier it appears that due to inadvertent mistake it has been recorded in the order that fire arm was recovered from the petitioner whereas as per the record fire arm was recovered from possession of the co-accused / Ranjeet Kumar Paswan, who has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 13841 / 2019. Learned counsel next submits that petitioner is not the assailant and his name has transpired on the basis of confessional statement of the co-accused / Amar Kumar Jha and Shubham Kumar Kushwaha @ Shubham Kushwaha who have been granted bail by different Co-ordinate Bench of this Court in Cr. Misc. No. 9255 / 2019 and CR. REV. No. 919 of 2019 . Petitioner is in custody since 27-10-2018.

On the other hand, Mr. Ajay Mishra, learned counsel for the State submits that during the course of investigation it has come to light that petitioner had provided fire arm to the assailant – Shubham Kumar Kushwaha @ Shubham Kushwaha and as per the CDR the petitioner was in regular touch with the



main assailant of the present case. He further submits that on the basis of confessional statement of the petitioner the fire arm used by the assailant has been recovered from the co-accused / Ranjeet Kumar Paswan.

This court vide its order dated 22.02.2022 had called for a report regarding the progress of the trial and in pursuance thereof learned 10th Addl. District & Sessions Judge, Purnea vide letter no. 151 / 2022 dated 28-2-2022 has sent the report and from perusal of the same it appears that out of 10 charge sheet witnesses only 03 witnesses have been examined and cross examined.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that the petitioner is in custody for more than three years since 27.10.2018, the co-accused persons have been granted bail by different Co-ordinate Benches of this Court and the petitioner has got no criminal antecedent, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 6th Purnea / court



concerned in connection with Sessions Trial No. 20 of 2019
arising out of K. Hat P.S. Case No. 658 of 2018 on the following
condition:-

(a) that the petitioner shall remain present
on each and every date during the course of trial
and in case of default on two consecutive dates
on the part of the petitioner, his bail bond shall
liable to be cancelled.

(Anil Kumar Sinha, J)

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