

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22327 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- KANKARBAG District- Patna

1. Golu Kumar @ Abhinav (kumar) Gaurav S/o Sanjay Prasad Singh, Resident of Village- Lakhana, Bazar, P.S.- Gaurichak, District- Patna.
 2. Rakesh Kumar @ Tuko @ Tutu Son of Durgesh Prasad @ Dudhesh Prasad Singh, Resident of Village- Lakhana Bazar, P.S.- Gaurichak, District- Patna
- Petitioners

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-09-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Sessions Trial Case No. 796 of 2021 arising out of Kankarbagh P. S. Case No. 65 of 2021 lodged under Sections 363 and 365 of the Indian Penal Code and later on added Sections 302, 120(B) and 201/34 of the Indian Penal Code.

The present case has been filed against unknown persons. It has been alleged by the wife of the deceased that her husband has visited to Masaudhi block at 7.30 am on 18.01.2021 but he has not returned, with this allegation the F.I.R. has been lodged.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He

further submits that their name has figured in this case by virtue of confessional statement of co-accused. He further submits that by the confessional statement of the petitioners itself, the dead body of the husband of the informant and the arms used in the said crime have been recovered. He further submits that though recovery has been made on their statement but these statements are not admissible till the material must not come that they have killed the deceased. He further submits that the antecedent of the petitioners are clean and they are in custody since 25.01.2021. He further submits that charge has already been framed in this case on 10.02.2022.

Learned counsel for the State opposes the prayer for bail and submits that though F.I.R. has been lodged against unknown but dead body has been recovered on the confessional statement of the present petitioner. He also submits that charge has been framed and trial has been commenced.

In the present facts and circumstances of the case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XVIII, Patna in connection with S.Tr. No. 796 of 2021 arising

out of Kankarbagh P.S. Case No. 65 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bonds, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--