

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32861 of 2021

Arising Out of PS. Case No.-287 Year-2020 Thana- SAHPUR District- Patna

VISHAL KUMAR @ VISHAL KUMAR CHAUDHARY Son of Shambhu Chaudhary Resident of Village- Shivnagar, Nurmohidinpur, Parsabazar, Police Station- Punpun, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Murlidhar, APP
Mr. Phulen Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, unknown accused persons fired and killed the father of the informant.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The name of the petitioner transpired in course of investigation and the material being relied on against the petitioner is his confessional statement made before the police. The petitioner is in custody since 22.9.2020 and undertakes to cooperate in the trial.



The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner confessed to have committed the crime in question but the weapon used in the crime was also recovered from his possession.

In response, it is submitted by learned counsel for the petitioner that besides the allegation of recovery of weapon being false, there is no scientific report on record certifying that the alleged weapon recovered was one used in the crime.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 1 year 3 months, the Court directs the petitioner to be enlarged on bail in connection with Session Trial no.237 of 2021 (arising out of Shahpur P.S. Case no. 287 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-V, Danapur, district Patna.

In view of the trial having commenced in the learned trial Court, it is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically



present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

Bibhash

(Partha Sarthy, J)

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