

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32709 of 2021**

Arising Out of PS. Case No.-294 Year-2019 Thana- JANDAHA District- Vaishali

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Guddu Kumar Son Of Sri Ashok Singh Resident Of Village- Chakaji Nizam,
P.S.- Mahua, District- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Bela Singh- Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Jandaha
P. S. Case No.294 of 2019, instituted for the offences under
Sections 393 and 302 of the Indian Penal Code and Section 27
of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 06.06.2020 as has been stated in
the supplementary affidavit filed on 26.01.2022, charge-sheet
has been submitted in the case and the petitioner has antecedent
of seven cases.

The learned counsel for the petitioner submits that
allegation is of trying to snatch and loot Rs.93,000/- from the
brother of the informant by unknown miscreants and one of the



miscreants fired at the deceased killing him as he protested the attempt of loot. It is next alleged that Rs.90,000/- was found in the pocket of the deceased.

The learned counsel for the petitioner submits that the F.I.R. is against unknown and during the course of investigation, one Manish Kumar Sahni was arrested, who is in his confessional statement said that brother of the informant was shot by Rahul Kumar. The learned counsel thus submits that except for confessional statement, there is nothing against the petitioner and there are no eye witnesses to the occurrence even. The learned counsel thus submits that petitioner has been falasely implicated in this case merely on the confessional statement of co-accused and submits that co-accused Rahul Kumar has been granted bail by order dated 28.10.2021 in Cr. Misc. No.3220 of 2021 and co-accused Mukesh Kumar has been granted bail by order dated 12.01.2021 in Cr. Misc. No.45888 of 2021.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted, his name transpired in the confessional statement of co-accused and that co-accused have



been granted bail as submitted, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in connection with Jandaha P. S. Case No.294 of 2019, subject to condition that one of the bailers shall be the father of the petitioner namely, Ashok Singh and the petitioner will have to mark his attendance before the concerned police station in between 25th to 30th of every month commencing from February, 2022, till the charges are not framed. In the event, the concerned police station reports to the learned Court below that petitioner has violated the condition imposed as aforesaid in any of the month before framing of charge, the learned Court below will be at liberty to cancel his bail bonds. This condition is imposed in view of the fact that petitioner has antecedent of seven cases.

The application stands allowed.

(Satyavrat Verma, J)

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