

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32038 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- SURYAGARHA District- Lakhisarai

SAURAV KUMAR SON OF WAKIL PASWAN R/O VILLAGE-
LAKSHMIPURGARH, P.S.- MUFASSIL, DISTRICT- MUNGER.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34128 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- SURYAGARHA District- Lakhisarai

SANOJ YADAV Son of Yugal Yadav @ Ugal Yadav Resident of Village -
Hardiyabad, P.S.- Muffassil, Dist.- Munger, at Present residing at and P.S.-
Naya Ram Nagar, Dist.- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37107 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- SURYAGARHA District- Lakhisarai

1. BITTU KUMAR S/O AJAY YADAV R/O VILLAGE-NAVTOLIYA
TARAPUR, P.S-TARAPUR, DISTRICT MUNGER
2. DIVYAM KUMAR SINGH @ SAGAR SINGH @ SAGAR KUMAR
SINGH S/O MANOJ KUMAR SINGH R/O VILLAGE-TARAPUR
KUSHWAHI COLONY, PS TARAPUR, DISTRICT MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32038 of 2021)

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

For the State : Mr. Ram Anurag Singh, APP

For the Victim : Shashank Shekhar, Advocate

(In CRIMINAL MISCELLANEOUS No. 34128 of 2021)

For the Petitioner/s : M/s Alok Kumar Sinha, Sr. Advocate



Bhola Kumar, Advocate
For the State : Mr. Arun Kumar Pandey, APP
For the Victim : Shashank Shekhar, Advocate
(In CRIMINAL MISCELLANEOUS No. 37107 of 2021)
For the Petitioner/s : M/s Krishna Prasad Singh, Sr. Advocate
Bhaskar Shankar, Advocate
For the State : Mr. Abhay Kumar Roy, APP
For the Victim : Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

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

The four petitioners have preferred these applications for grant of regular bail in a case registered under sections 396 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, while the two vehicles ie the trucks were going, it is stated that a Scorpio vehicle overtook them, 5-6 accused persons variously armed got down and as a result of firing by one of them, the driver of one of the vehicles, namely, Pankaj Kumar Gupta died.

It is submitted by learned counsel for the petitioners that the FIR was registered against unknown. On the basis of material that transpired in course of investigation, suspicion was raised against one of the drivers, namely, Sanoj Yadav who took the name of co-accused Amarjeet and Bhupendra. On raid of the house of Bhupendra a mobile phone etc. were recovered. The name of petitioner Saurabh Kumar transpired in the confessional statement of co-accused Bhupendra and Aman



while that of the petitioners Bittu Kumar and Divyam Kumar Singh transpired in the confessional statement of other accused persons. It is further submitted that in course of investigation it transpired that the assailant of the deceased was Bhupendra. The petitioner Sanoj Yadav is in custody since 30.11.2020 while the other three petitioners are in custody since 3.12.2020.

The application for bail is opposed by learned counsel who appears for the wife of the deceased Pankaj Kumar Gupta. He is taken the Court through the materials that has transpired in course of investigation to submit that the accused Sanoj Yadav who was the driver of one of the vehicles was continuously acting as a liner and from the CDR of his mobile phone it transpired that he was in regular touch with the assailant even after the occurrence.

Having heard learned counsel for the parties and taking into consideration the materials which has transpired in course of investigation, the petitioners being in custody for more than 1 year and the accused Bhupendra being the assailant of the deceased, the four petitioners herein are directed to be enlarged on bail in connection with Suryagarha P.S. Case no. 225 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Lakhisarai.

(Partha Sarthy, J)

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