

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25848 of 2022

Arising Out of PS. Case No.-451 Year-2021 Thana- RAJIVNAGAR District- Patna

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Sudesh Kumar @ Suddeshwar Singh, S/o Nandjee Singh @ Nandji Singh
Resident of Village- Rampur, P.S.- Udwant Nagar, District- Bhojpur (Arah).
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Rajiv Nagar P.S. Case No.451/2021 instituted under
Sections 307, 302, 120B/34 of the Indian Penal Code and 27 of
the Arms Act.

As per the allegation in the FIR, Suman Kumar the
informant has alleged that his wife had gone to Sheo Temple,
Ramnagri with her daughter Aruhi and as she returned and came
to her residence, it is alleged that at the main gate, two accused
persons wearing helmet came and shot fire, as a result whereof
she died instantly.

Learned counsel for the petitioner submits that



subsequently, the police investigated the matter and arrested one Bhim Kumar @ Dilbar and he made a confessional statement in which the name of this petitioner has cropped up. He submits that the lady was in relationship with one Raju Kumar who is distantly related to him and as such he has been dragged in the case. There is no eyewitness to the occurrence and he is in custody since 03.01.2022 (as stated in para-8 of the bail application) only on the basis of the confessional statement of Bhim Kumar @ Dilbar.

Taking into account the aforesaid fact that the petitioner is not named in the FIR and his name has cropped up in course of investigation of confessional statement of accused Bhim Kumar @ Dilbar, charge-sheet stands submitted and he has clean antecedent, this Court is inclined to grant him privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Rajiv Nagar P.S. Case No.451/2021 to the satisfaction of learned A.C.J.M., III, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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