

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36770 of 2021

Arising Out of PS. Case No.-290 Year-2017 Thana- UDWANTNAGAR District- Bhojpur

ABHISHEK KUMAR, S/O ANIL SINGH @ ANIL KUMAR R/O
VILLAGE-LODIPUR, P.S. CHANDI IN THE DISTRICT OF BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Udwantnagar Police Station Case No. 290 of 2017, registered
for the offences punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
11.12.2019, passed in Criminal Misc. No. 60570 of 2019.

The prosecution case, as per the First Information
Report, is that the son of the informant left his house on a
motorcycle on 21.09.2017, however, the informant received
information in the evening that some unknown persons have



shot dead the son of the informant and on the body of the son of the informant, 7-8 bullet injuries were found.

Learned Counsel for the petitioner submits that the police recorded the confessional statement of the petitioner in Naubatpur Police Station Case No. 235 of 2018 while he was in custody in connection with that case and on the basis of his self-inculpatory statement, he has been made accused in this case. He further submits that co-accused persons, namely, Pawan Choudhary (vide order, dated 31.08.2018, passed in Criminal Misc. No. 51054 of 2018), Ranjeet Choudhary (vide order, dated 02.07.2019, passed in Criminal Misc. No. 39201 of 2019) and Niraj Kumar @ Nepali (vide order, dated 03.06.2021, passed in Criminal Misc. No. 7549 of 2021), have been granted bail by different co-ordinate Benches of this Court. He further submits that the petitioner is in custody since 01.09.2018 and the trial has not yet begun.

This Court, vide order, dated 07.01.2022, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned Incharge Chief Judicial Magistrate, Bhojpur, at Ara, and from perusal of the same, it would be evident that the charge has not yet been framed in this case and



only the case has been committed to the Court of Sessions.

After having heard learned Counsel for the parties and taking into consideration the fact that co-accused persons have been granted bail by this Court, the petitioner has remained in custody for more than three and a half years and the trial has not yet begun, I am inclined to grant regular bail to the petitioner..

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Udwantnagar Police Station Case No. 290 of 2017.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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