

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68423 of 2021

Arising Out of PS. Case No.-168 Year-2021 Thana- TAJPUR District- Samastipur

Golden Kumar @ Piyush Prince Son of Shri Pravin Kumar Singh Resident of
Village - Mokhtiyarpur, P.s.- Bhagwanpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31469 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- TAJPUR District- Samastipur

Samit Kumar @ Buchchiya @ Fukhiya S/o Ravindra Roy Resident of
Village- Nikashpur, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68423 of 2021)

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

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

(In CRIMINAL MISCELLANEOUS No. 31469 of 2022)

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
Mr. Thakur Bikram Singh, Advocate
Mr. Shivtosh Acharya, Advocate

For the Informant : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishore Roy, Advocate

Mr. Naveen Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 18-10-2022

Cr. Misc. No. 68423 of 2021

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Tajpur P.S. Case No. 168 of 2021 registered for the offence under Sections 302 and 120(B) of the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 16.08.2021.

The allegation against the petitioner is to commit murder of son of the informant due to previous enmities, along with other co-accused persons, by causing fire arm injuries.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case, as not even suspicion was raised against this petitioner initially, whereas during the course of investigation, his name surfaced on the basis of self-confession while apprehending in Muffasil P.S. Case No. 199 of 2021. It is further pointed out that in furtherance of self-confession, no incriminating material recovered/surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with present occurrence. It is also pointed out that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner involved in present case only being



involved in three more criminal cases, where he is on bail and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as except self-confession, no incriminating material surfaced/recovered, during the course of investigation, which may connect this petitioner, *prima facie*, with present occurrence, where informant is not the eye witness of the occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tajpur P.S. Case No. 168 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

Cr. Misc No. 31469 of 2022

Heard learned counsel appearing on behalf of the



petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Tajpur P.S. Case No. 168 of 2021 registered for the offence under Sections 302 and 120(B) of the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 07.01.2022.

The allegation against the petitioner is to commit murder of son of the informant due to previous enmities, along with other co-accused persons, by causing fire arm injuries.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of Sujit Kumar, during the course of investigation, where no incriminating material surfaced/recovered, which may connect this petitioner, *prima facie*, with present set of occurrence. It is further pointed out that mandatory provision of Cr.P.C. was not followed in present case, as though F.I.R. was lodged on 26.04.2021 but it was send to nearest/concerned Magistrate on 29.04.2021. It is further submitted that no TIP was conducted, as yet. While concluding



the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as no incriminating material surfaced/recovered, during the course of investigation, which may connect this petitioner, *prima facie*, with present occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tajpur P.S. Case No. 168 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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