

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45636 of 2021

Arising Out of PS. Case No.-157 Year-2020 Thana- NADI P.S. District- Patna

Chintu Kumar, son of Sunil Mistri, R/O Mohalla- Fatehpur, P.S.- Didarganj,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Advocate
For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-04-2022 Heard learned counsel for the petitioner and Ms. Rina Sinha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Nadi P.S. Case No. 157 of 2020 registered for the offence under Sections 341, 324, 326, 307 of the Indian Penal Code and 27 of the Arms act, subsequently Section 302 of the I.P.C. was added. Petitioner is in custody since 23.12.2020. As regards the criminal antecedent, it is stated in paragraph '3' that petitioner has one criminal antecedent of Nadi P.S. Case No. 181 of 2020, however, in the case diary the I.O. has stated about three other cases in which the petitioner has not been remanded and to his knowledge, till date the I.O. has not filed any requisition seeking his remand in those cases.

Learned counsel for the petitioner submits that as per the prosecution story, two unknown bike riders had shot at the



brother of the informant who later on succumbed to his injuries.

Learned counsel submits that the name of the petitioner has allegedly transpired in the confessionals statement of the co-accused Munna Kumar which seems to have been been extracted in police custody and is in no way admissible in evidence. Apart from the said confessional statement no other material at all has been found against the petitioner connecting him with the present case.

Learned counsel further submits that in fact the co-accused Udit Kumar whose name had transpired in the confessional statement of the co-accused Munna Kumar has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 44599/2021.

Ms. Rina Sinha, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but has categorically submitted that save and except the confessional statement of the co-accused in which the name of the petitioner and co-accused Udit Kumar transpired, there is no other material in the case diary.

Having regard to the submissions noted hereinabove, taking consideration of the fact that except the confessional statement of the co-accused, no other material is available in the



case diary and similarly situated co-accused Udit Kumar has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 44599/2021, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Patna City in connection with Nadi P.S. Case No. 157 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

