

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34635 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- BUDDHACOLONY District- Patna

Sonu Kumar @ Sonu Bhendar S/o Shyam Babu Saw @ Shyam Babu @ Chhotu Resident of Mohalla- Makhanpur, Idgah Road, Near Gandhi Murti Bhadra Ghat, Police Station- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34644 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- BUDDHACOLONY District- Patna

Rajkumar @ Kanhai S/o Shyam Babu Saw @ Shyam Babu @ Chhotu Resident of Mohalla- Makhanpur, Idgah Road, Near Gandhi Murti Bhadra Ghat, Police Station- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34635 of 2022)

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 34644 of 2022)

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with

Session Trial No. 389 of 2022 arising out of Buddha colony P.S.
Case No. 415 of 2021 lodged under Sections 302, 120(B), 34 of
the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the informant has disclosed that his brother Anil Kumar was working in gas agency namely Utsav Bharat Gas Seva. In the same gas agency, the petitioner was also working. It has been stated that 4 months back, the said Sonu Kumar was removed from service by the owner. It has been alleged that the said gas agency owner has taken Rs. 20,000 from his brother through his manager Jitendra Kumar and the owner has appointed the informant's brother at the place of Sonu vendor(petitioner). It has been alleged that due to action of owner and manager of said gas agency, the dispute has arisen between informant's brother and Sonu vendor who has murdered the informant's brother and alleged conspiracy on 09.11.2021 at about 12:40 PM in day time.

Learned counsel for the petitioner submit that the name of petitioner has figured in this case by virtue of suspicion only. Except suspicion, there is nothing cogent against the present petitioner. Learned counsel for the petitioner further submits that petitioner is in custody since 12.11.2021, charge sheet has already been filed in this case and there are 2 criminal

cases pending against him in which he is on bail. Learned counsel for the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the petitioner of second case of Cr. Misc. No. 34644 of 2022 submits that petitioner is innocent. He is not named in the F.I.R. His name has figured in this case by virtue of confessional statement of co-accused. He also submits that he is in custody since 18.11.2021 having one criminal case pending against him in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that there is direct involvement of the petitioner in this case due to the reason that the co-accused Sudhanshu Kumar @ Chiku has made confessional statement before the police and on the basis of his confessional statement, the weapon used in the crime has been recovered by which the deceased was killed. The report for progress of the trial has been called for by which it is clear that charge has been framed against all the accused persons and examination of P.Ws is going on.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners and therefore, bail petition of petitioners are

hereby rejected but liberty is hereby granted to the petitioners that they may renew their prayer for bail after 9 months from today. The Trial Court is directed to expedite the trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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