

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44603 of 2021

Arising Out of PS. Case No.-545 Year-2020 Thana- KANKARBAG District- Patna

SACHIN KUMAR @ BAMBAM, S/o Sri Chandra Shekhar Saw @ Chandra Shekhar Sah Resident of Chiraiyatand Prithvipur, Ayurveda Bhawan, P.O.- GPO, P.S.- Kankarbagh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.R.P. Baxi Sinha, Sr. Advocate Mr.Nitesh Kumar, Advocate Mr. Om Prasad, Advocate
For the Opposite Party/s :		Mr.Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-03-2022 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with Kankarbagh P.S. Case No. 545 of 2020, for the offence punishable under Sections 302, 201 and 120B of the Indian Penal Code.

The prosecution case, in brief, is that on 30.07.2020 at about 4.00 P.M., the accused persons named in the F.I.R., including the petitioner, had taken away the brother of informant Sonu Kumar (deceased), who did not return back. The informant got information that one dead body has been found by



Kankarbagh Police, which has been sent to PMCH for Postmortem. The informant identified the body and F.I.R. has been drawn against the accused persons named in the F.I.R. who have killed his brother with a common intention.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. There is no eye-witness of the occurrence. The body of the deceased was found at abandoned place, merely on suspicion, the petitioner has been made accused in the present case. He further submits that in course of investigation, no substantial evidence has come nor there is any witness, who has supported the allegation made in the F.I.R. He further submits that except the confessional statement made by the petitioner in the Police custody, which has no evidentiary value, nothing has been collected against the petitioner. The petitioner is in custody since 01.08.2020. He further submits that similarly situated co-accused Raushan Kumar @ Baliya has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 01.02.2022 passed in Criminal Miscellaneous No. 9304 of 2021.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and he has taken



note of this Court to the several paragraphs of the case diary on the basis of the same, particularly, with reference to paragraph No.8 of the case diary and submits that the complicity of the petitioner in committing murder of the deceased cannot be denied.

Having perused the F.I.R. as well as the case diary, there is no tangible evidence against the petitioner nor there is any eye-witness of the alleged occurrence. The body of the deceased was found at abandoned place, which was taken by the Police, similarly situated co-accused Raushan Kumar @ Baliya has already been granted bail by a co-ordinate Bench of this Court vide order dated 01.02.2022 passed in Criminal Miscellaneous No. 9304 of 2021, prima facie, I am of the opinion that petitioner has made out a case to be enlarged on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-XXV, Patna in connection with Kankarbagh P.S. Case No. 545 of 2020 (S.T. No. 384 of 2020), subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

