

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46374 of 2021

Arising Out of PS. Case No.-211 Year-2020 Thana- DULHIN BAZAR District- Patna

BIRU KUMAR S/O LATE SANJAY SINGH R/o village- Arap, P.S.- Bikram,
District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Prerna Rishi, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-04-2022 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
Dulhin Bazar P.S. Case No. 211 of 2020, for the offence
punishable under Sections 302, 120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that one Ramashish
Verma, informant of this case, has alleged that while his brother
Sanjay Verma (Since deceased) had gone for morning walk
along with Vijendra Kumar was soon informed that his brother
was shot dead by unknown bike borne four accused persons.
The informant soon rushed to the place of occurrence with other



co-villagers and found that his brother was lying injured from where he was taken to Paras Hospital, where he was declared dead in course of treatment. Report is that the cause of death is due to firearm injury.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He informs that petitioner was ex-Mukhiya and due to village politics, he has been implicated in this case. He further submits that the name of petitioner has been roped in the present case on the basis of confessional statement of co-accused Dibyanshu Kumar. Specific allegation is against co-accused Munim Sharma. The direct allegation is against Dibyanshu Kumar, who had assaulted the victim by means of firearm. The two co-accused have already been released on bail by a co-ordinate Bench of this Court vide order dated 06.01.2022 passed in Criminal Miscellaneous No. 30518 of 2021 and order dated 22.01.2022 passed in Criminal Miscellaneous No. 41087 of 2021, respectively. The petitioner is in custody since 04.03.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Having heard the rival submissions of the parties, it



appears that there are sufficient materials have been collected against co-accused Munim Sharma @ Ragish Kumar and Dibyanshu Kumar and both have already been released on bail by this Court. The name of petitioner has surfaced in the confessional statement of co-accused Dibyanshu Kumar. The petitioner has been implicated on mere suspicion, it appears Prima facie, the petitioner has made out a case to be released 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 Judicial Magistrate, First Class, Danapur, Patna in connection with Dulhin Bazar P.S. Case No. 211 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.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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