

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39394 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- KOTWALI District- Munger

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GOVIND SON OF RAMCHANDRA SINGH @ RAMCHANDRA PRASAD
GUPTA R/O VILLAGE- KASTURBA NAGAR, BASUDEOPUR, P.S.-
KOTWALI, DISTRICT- MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. AC to A.G

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 14-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

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

The petitioner seeks bail in connection with Kotwali
(Basudeopur) P.S. Case No. 02 of 2022 registered for the
offence under Sections 302 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 04.01.2022.

The allegation against the petitioner is to commit
murder of husband of informant along with other co-accused



persons.

Learned counsel appearing on behalf of the petitioner submitted that informant is the eye-witness of the occurrence, but specifically named co-accused, Karu Kumar and Uttam Mishra @ Dipak Mishra to open fire upon her husband, causing his death. It is further submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Karu Kumar, where, nothing surfaced/recovered, during course of investigation, which may connect this petitioner, *prima faice*, with the present set of occurrence. It is pointed out that similarly situated co-accused person, namely, Gaurav Kumar @ Bittu Mishra @ Bittu has already been granted bail through Cr. Misc. No. 31137 of 2022, dated 25.08.2022, by one of the learned co-ordinate Bench of this Court. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as despite claiming eye-witness of the occurrence,



informant failed to name this petitioner by raising specific allegation against other co-accused persons 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 Kotwali (Basudeopur) P.S. Case No. 02 of 2022 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 Sessions Judge 1st, Munger/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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