

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50553 of 2021

Arising Out of PS. Case No.-157 Year-2020 Thana- DEEPNAGAR District- Nalanda

Satya Kumar @ Satya Raj, S/o Budhu Kewat, R/o Village- Baritakiya Kalan,
Chakadilavar, P.S- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Pramod Kumar Sinha, learned counsel appearing on behalf of the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Deepnagar P. S. Case No. 157 of 2020 (S.T. No. 428 of 2021) registered for the offences punishable under Sections 341, 323, 302, 34 and 120(B) of Indian Penal Code and under Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 10.06.2022 at about 7.00 p.m the brother of the informant Prahlad Kumar had gone with the petitioner, Satya Kumar and



co-accused Anandi Kumar, but he did not return. Later on, during search brother of the informant was found dead near Surya Mandir. The informant suspected that the murder of his brother was committed due to some money transaction.

Learned counsel appearing on behalf of the petitioner submits that save and except the fact that the petitioner was lastly seen with the deceased, there is no material which suggests the complicity of the petitioner in the present crime. It is further submitted that there is no eye-witness to the alleged occurrence, however, during the course of investigation, one Sunil Kumar was apprehended and in his confessional statement. it has come that the co-accused Aman Kewat and Dhanajay Kumar shot dead the brother of the informant. It is next submitted that this petitioner is in custody since 13.06.2020 and moreover, the charges have already been framed. It is also submitted that co-accused Sunil Kumar has already been granted bail by the learned Coordinate Bench of this Court in Cr. Misc No. 40500 of 2020 vide order dated 23.03.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the case of the petitioner is different to that of Sunil Kumar, as this petitioner was lastly seen with the deceased.



Having regard to the submissions made on behalf of the parties and considering the fact that save and except the fact that the petitioner was lastly seen with the deceased, there is no cogent materials which suggests the complicity of the petitioner in this case and the petitioner having fair antecedent in in custody since 13.06.2020 and other co-accused person whose name transpired during the course of investigation, they have already been granted bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of 5th Additional District & Sessions Judge, Nalanda at Bihar Sharif in connection with Deepnagar P. S. Case No. 157 of 2020 (S.T. No. 428 of 2021), subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain physically present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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