

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43474 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- GAYA MUFASIL District- Gaya

Sri Kant Kumar @ Srikant Kumar @ Shrikant Kumar Son of Vindeshwar
Yadav @ Vindesar Yadav @ Bindeshwar Yadav Resident of village- Bisar,
P.S- Mufassil, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Adv
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 08-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with Gaya

Mufassil P.S. Case No. 314 of 2021 registered for the offences

punishable under Sections 302/34 of the Indian Penal Code and

Section 27 of the Arms Act.

As per the prosecution, this petitioner is alleged to have

killed the informant's son along with other co-accused persons.

The main submissions advanced by learned counsel Mr.

Durgesh Nandan, appearing for the petitioner are that the

petitioner has fair and clean antecedent, the informant is not the eye-witness of the alleged occurrence of murder, as per the FIR the informant got the information of the alleged murder from one namely, Saurabh Kumar but in that information petitioner's name was not revealed as being involved in the murder of the informant's son and the co-accused Nitish Kumar @ Bhola and Nitish Kumar @ Bhujang (deceased) are close relatives but the petitioner had no relation with both the persons and during the course of investigation it came into light that co-accused Nitish Kumar @ Bhola had purchased a country-made pistol and in celebration of purchasing the said country-made pistol the other co-accused persons and the deceased were partying and at the place of occurrence petitioner was living as a tenant and he had no concern with the party as well as with the said purchased country-made pistol. Further submission is that during the investigation several witnesses whose statements are mentioned in Paragraph Nos. 8, 9, 10, 11 and 12 of the case diary, did not say anything against the petitioner and in this case except the suspicion raised by the informant there is no any other material to connect the petitioner to the alleged crime of murder.

Learned APP Mr. Narsingh Tanti, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the order of learned Court below. As per the statement made in the petition, petitioner is stated to be a student and in the FIR only suspicion was raised by the informant who is not stated to be an eye-witness of the alleged occurrence of murder and the petitioner has fair and clean antecedent and in the FIR any motive on the part of the petitioner to commit the murder of the informant's son has not been revealed. Considering all these facts as well as above submissions, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Gaya Mufassil P.S. Case No. 314 of 2021.

(Shailendra Singh, J.)

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