

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52360 of 2021**

Arising Out of PS. Case No.-345 Year-2020 Thana- GAYA MUFASIL District- Gaya

ANIKET KUMAR @ ANIKET Son of Nagina Chaudhary Resident of
Mohalla - Nauranga, P.S. - Mufassil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

4 10-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with Muffasil P.S. Case No. 345 of 2020 registered under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution story, altogether 11 persons variously armed abducted the informant's cousin, took him behind Green Field School and after snatching his valuable, killed him.

The name of the petitioner came up in course of investigation and as such by order dated 04.04.2022, case diary and the criminal antecedent report of the petitioner was called for which has now been made available.

Learned counsel for the petitioner submits that an



omnibus allegation has been levelled against all the accused persons that they took away Rahul Kumar (deceased) and subsequently after snatching the valuable belongings, was killed. He further submits that earlier there was no C.C.Tv. Footage available of the occurrence. Subsequently one of the spy provided a C.C.Tv. footage where this petitioner was also amongst the person who was taking the victim boy. However, he reiterated that the C.C.Tv. footage does not show the actual killing and as such, the same cannot be attributed to him. He lastly submits that one of the co-accused Pappu Yadav @ Manoj Kumar, who is similarly situated has since been released on bail by a co-ordinate Bench of this Court in Cr. Misc. No. 45955 of 2021 on 31.03.2021.

Mr. Jitendra Kumar Singh, the learned APP, who represent the State submits that in paragraph -26, the C.C. Tv. Footage has been detailed out in which this petitioner is also one of the person who is seen taking away the victim boy. So far as the criminal antecedent part is concerned, after going through the report, he submits that there is no criminal antecedent against the petitioner.

After going through the rival contentions and further that the petitioner is in custody since 03.02.2021 (as stated in



paragraph-13 of the bail application), charge-sheet has already been submitted in the matter, an omnibus allegation is against all the accused persons as also the fact that one of the similarly situated co-accused has since been released on bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, XIII, Gaya in connection with Muffasil P.S. Case No. 345 of 2021, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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