

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53462 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- FATUA District- Patna

Sunil Kumar Goswami Son Of Kapil Dev Goswami R/O Raghuvir Sadam,
Naval Kishore Road, Kadamkuan, P.S.- Kadamkuan, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Soni Srivastava, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mrs. Soni Srivastava, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Fatuha P.S. Case No. 222 of 2021 for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the informant along with her daughter and husband had gone to Daniyawa to make payment of Rs. 4 lac and when the husband of the informant reached near Chhapak Water Park



on the way to Bakhtiyarpur road, some unknown persons shot fire causing his death.

Learned counsel for the petitioner submits that FIR has been instituted against unknown, however, during the course of investigation, on the disclosure made by the unknown Spy two co-accused persons namely, Golu Kumar@ Nikhil Kumar Pandey and Bimlesh Kumar were apprehended and on their confessional statement recorded by the police, the name of the petitioner has transpired as one of the conspirators. Learned counsel for the petitioner next submitted that co-accused Golu Kumar @ Nikhil Kumar Pandey against whom there is allegation that he was one of the shooters has already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 47083 of 2021 vide order dated 18.11.2021. It is next submitted that during the course of investigation, the wife of the deceased has also been made accused in this case with an allegation that he was also one of the conspirators in committing the present crime. However, she has also been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 42804 of 2021 vide order dated



06.07.2022. It is lastly submitted that the petitioner having fair antecedent is in custody since 26.03.2021

On the other hand, learned counsel for the State opposed the bail application and submits that during the course of investigation, ample material has come which suggests that petitioner was one of the conspirators.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is neither named in the FIR nor any cogent material has come which suggest the complicity of the petitioner in the present crime, moreover, other co-accused persons having identical allegation have already been granted bail by learned co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna in connection with Fatuha P.S.Case No. 222 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of



the trial.

(ii) He will remain 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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