

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54558 of 2021

Arising Out of PS. Case No.-167 Year-2021 Thana- SONBERSA District- Sitamarhi

Vikash Kumar Son of Ravindra Mahto R/o Village- Sonbarsa, P.S.- Sonbarsa,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the Informant	:	Mr. Virendra Kumar, Advocate
For the Opposite Party/s	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-02-2022 Heard learned counsel for the petitioner, Shri Virendra Kumar, learned counsel for the informant and Smt. Pushpa Sinha, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 167 of 2021 instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.07.2021, charge-sheet has been submitted in the case and has antecedent of one case as mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that the informant alleges that her husband during lockdown came to his village and developed friendship with one Anil Kumar and used to drink, eat and enjoy in his company. It is further alleged that on



20.06.2021, the said Anil Kumar took her husband for feast at village Indarwa to the house of Kiran Devi, his relative and after the feast, took her husband to Bela Parsa N.H. 27 on pretext of taking bus ticket, where three motorcycle borne criminals came and fired indiscriminately killing the deceased. It is thus alleged that the named accused persons including six unknown criminals killed her husband.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. nor the informant is an eye-witness to the occurrence and during the course of investigation one Nagendra Mahto at paragraph '49' of the case diary named this petitioner as also having participated in the occurrence along with other accused persons. Further, from paragraph '42' of the case diary, on secret information, the petitioner along with Brajesh Kumar and Ramnath Sah was arrested with firearm on 26.07.2021 for which Sonbarsa P.S. Case No. 175 of 2021 was instituted and the accused Ramnath Kumar @ Ramnath Sah in his confessional statement confessed that he along with the petitioner committed murder of the deceased. Learned counsel thus submits that the name of this petitioner has transpired based on the confessional statement of co-accused who is in custody.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner



and it is submitted that the informant in her restatement has taken name of this petitioner based on suspicion and the accused persons also in their confessional statement have taken name of the petitioner. It is further submitted that petitioner also has criminal antecedent of one case.

Considering the fact that the petitioner is in custody since 29.07.2021, charge-sheet has been submitted in the case, his name transpired in the confessional statement of co-accused and even the informant in her restatement has stated the name of the petitioner based on suspicion as submitted by the learned counsel for the informant, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Sitamarhi in connection with Sonbarsa P.S. Case No. 167 of 2021 with a condition that one of the bailor shall be the father of the petitioner Ravindra Mahto and if the petitioner is implicated in a case of similar nature, the court below shall forthwith cancel his bail bonds.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

