

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55680 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- NARPATGANJ District- Araria

MONU KUMAR SHARMA, Son of Mohan Sharma, R/O D.D. Road, Chuwa Patti, W.No. 16, P.S. - Farbisganj, District - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 11-05-2022 Heard learned counsel for the petitioner and Mr. Raj Ballabh Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Narpatganj (Bathnaha) P.S. Case No. 55 of 2021 registered for the offences punishable under Sections 394, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 04.02.2021 having no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per the prosecution story when the deceased Aman Gupta was returning with the informant Rahul Kumar Gupta after collecting money of rice, two persons riding on black colour Pulsar Motorcycle and one another on a black colour Honda Shine Motorcycle intercepted them and snatched Rs. 80,000/-



from the pocket of the informant on the point of pistol and Samsung mobile of Aman Gupta. One of the miscreants boarded on Pulsar Motorcycle fired shot on the informant which hit in his thigh and then Aman Gupta started fleeing away but he was chased by the miscreants and Rs. 1,20,000/- was looted away from him and the person riding on Pulsar Motorcycle fired two shots on him, he was crying and then anyhow they came ahead of bridge then police arrived there. They were brought to Sadar Hospital where Aman Gupta was declared dead.

Learned counsel for the petitioner submits that in this case the informant says in his written complaint that he can identify the miscreants. So far as the present petitioner is concerned, his name has transpired in the confessional statement of co-accused Niraj Kumar Ram and Abhay Bishwas. It is submitted that Niraj Kumar Ram and Abhay Bishwas have stated that this petitioner was acting as liner and though he was not himself on the spot but he had provided the information about the movement of the informant.

Learned counsel further submits that in his confessional statement Niraj Kumar Ram has stated that the present occurrence has been given effect to by him, the co-accused Abhay Bishwas, Shyam Bahardar and Chhotu Mandal.



Learned counsel submits that so far as this petitioner is concerned, he was not present on the spot and, therefore, the petitioner has only been falsely implicated.

It is submitted that except that the name of the petitioner is said to have been taken by the co-accused as liner, there is no other incriminating material against him and neither anything has been recovered from him nor he has been put on Test Identification Parade.

Mr. Raj Ballabh Singh, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Niraj Kumar Ram and Abhay Bishwas. Apart from the confessional statement however no other material has been brought to the notice of this court.

Having regard to the materials placed before this Court and on noticing that so far as this petitioner is concerned, there is nothing to show that he was present on the spot or that he had identified the informant and the deceased at the time of alleged occurrence, he has otherwise no criminal antecedent and his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Narpatganj (Bathnaha) P.S. Case No. 55 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

