

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59039 of 2021**

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

ANIL KUMAR @ GHURMALIYA Son of Daresh Mahto Resident of Village
- Indarwa, P.S. - Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hans Lal Kumar, Advocate
For the Informant	:	Mr. Virendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 09-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Sonbarsa P.S. Case No. 167 of 2021 instituted for the offences
under Sections 302, 120B/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 23.06.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that her husband came from
Delhi during lock-down and developed friendship with the
petitioner and used to feast and roam with him. Further on



20.06.2021, the petitioner took the deceased to village Indarwa for participating in a feast and after feast the petitioner took the deceased to the place of occurrence at Bela Parsa NH 77 on pretext of taking bus ticket where three motorcycle borne criminals came and fired at the deceased indiscriminately as a result of which he died, thus, alleges that the petitioner in conspiracy with Vivek Mahto along with six unknown criminals killed her husband.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. From bare perusal of the allegation as alleged in the FIR, it would manifest that the petitioner and the deceased were friends and if the deceased had any apprehension that the petitioner might kill the husband of the informant then he would not have feasted and roamed with him nor on his invitation would have gone to attend the feast. Learned counsel further submits that it absolutely does not stand two reason that when the informant had not participated in the feast and was not an eyewitness to the occurrence then on what basis she alleges that it was the petitioner who took the deceased to the place of occurrence where three motorcycle borne criminals came and killed the deceased. It is submitted that the allegation amply



reflects that the FIR was instituted after the dead body was recovered from the place of occurrence. Learned counsel further submits that the entire allegation hinges around suspicion as informant is not an eyewitness to the occurrence. It is further submitted that the co-accused Vikash Kumar has been granted bail by this Court vide order dated 16.02.2022 passed in Cr. Misc. No. 54558 of 2021.

Learned counsel for the informant vehemently opposes the bail application and submits that there is direct allegation against this petitioner of taking the deceased to a feast and thereafter got him killed in conspiracy with Vivek Mahto but the learned counsel for the petitioner is not able to meet the submission of the learned counsel for the petitioner that the entire allegation is based on suspicion and informant is not an eyewitness to the occurrence.

Learned A.P.P. for the State also opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and the informant is not an eyewitness to the occurrence and co-accused has been granted bail, 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 Additional Chief Judicial Magistrate-VII, Sitamarhi in connection with Sonbarsa P.S. Case No. 167 of 2021.

(Satyavrat Verma, J)

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