

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62358 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- RAHUI District- Nalanda

Ravi Pandey @ Ravi Shukla, S/O Girish Shukla @ Giri Shukla, R/O Village-
Deepnagar, P.S.- Deepnagar, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sessions Trial No. 376 of 2021 arising out of Rahui P.S. Case No. 72 of 2020, registered for the alleged offences under Sections 302, 34/120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the husband of the informant was shot dead while he had been going to attend his duty. The name of the petitioner transpired during investigation as one of the accused persons who was involved in the murder of the husband of the informant.



The learned counsel for the petitioner submits that except for the confessional statement of co-accused persons, there is nothing of substance available on record against this petitioner. The petitioner is not named in the FIR and nothing incriminating has been recovered either from his possession or at his instance. Other similarly placed co-accused persons, namely, Alok Kumar, Tuntun Kumar and Sintu Mahto have been granted bail by different Co-ordinate Benches of this Court in Cr. Misc Nos. 13729 of 2021, 22861 of 2021 and 16042 of 2021, respectively. The co-accused Karan Saxena, who is the mastermind of the crime has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 31286 of 2020. The petitioner is in custody since 09.02.2021 and the charge-sheet has been submitted in this case. The petitioner has no criminal history.

Learned APP opposes the prayer for bail submitting that the name of the petitioner came up during investigation on the basis of tower location of his mobile phone along with other co-accused persons.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that there is distinct lack of substantive material against this petitioner, who has been named in this case



only on the basis of confessional statement and there is no recovery of any incriminating article and further considering the submission of charge-sheet as well as the period of his custody and clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-Biharsharif, Nalanda in connection with Sessions Trial No. 376 of 2021 arising out of Rahui P.S. Case No. 72 of 2020 corresponding to G.R. No. 1230 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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