

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54172 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- ARARIA District- Araria

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SUMIT KUMAR S/O LATE DUKKKHAN YADAV @ DUKHAN YADAV
Resident of Gayari, Ward No- 16, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and Mr.

Jitendra Kumar Singh, learned APP who represents the

State through video conferencing in view of the Covid-19.

Let the defect(s), if any, as pointed out by the

office be removed within four weeks.

The petitioner is in judicial custody in

connection with Araria P.S. Case No. 71 of 2022 for the

offences under Sections 302, 201, 120(B), 34 of the Indian

Penal Code.

As per the prosecution story, the informant's

brother used to sell milk and on that particular day, he went

to supply milk on his bicycle to the shop of Binod Sahani

but failed to return and later the informant came to know

about his death.



Further, upon search, his body was found in a tin shed boundary wall and from the look itself, it was clear that he has been assaulted and killed. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that during investigation, the petitioner and one Bharat Kumar were picked up and made to confess before the police which resulted into his incarceration in jail since 25.1.2022 (as stated in para-14 of the bail application). It is his further submission that co-accused, Bharat Kumar who was also made to confess has since been released on bail by a coordinate bench of this Court vide Cr. Misc. No. 37650 of 2022 on 17.11.2022.

Let the order of Cr. Misc. No. 37650 of 2022 be kept on record.

Learned A.P.P. on the other hand opposed the prayer.

In view of the fact that he is in custody since 25.1.2022, do not have any criminal antecedent, charge-sheet stands submitted and one of the co-accused, Bharat Kumar has been granted bail, as stated above, this Court is inclined to enlarge him on bail.



If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Araria in connection with Araria P.S. Case No. 71 of 2022, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing



any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

Prakash Narayan/
Ajay-

(Rajiv Roy, J)

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