

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56803 of 2022

Arising Out of PS. Case No.-296 Year-2022 Thana- KANTI District- Muzaffarpur

Divya Prakash @ Divya Prakash Kumar S/o Sanjeev Kumar Chaudhary,
Resident of Village- Chakbarkurwa, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66877 of 2022

Arising Out of PS. Case No.-296 Year-2022 Thana- KANTI District- Muzaffarpur

Bablu Kumar S/o Kishun Ram, Resident of village- Chiknauta, P.S.- Karja,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56803 of 2022)

For the Petitioner/s : Mr. Abhay Kumar, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP.

(In CRIMINAL MISCELLANEOUS No. 66877 of 2022)

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mrs. Rina Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 24-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Kanti P.S. Case No. 296 of 2022, lodged under Sections
394/302/34 of the Indian Penal Code read with Section 27 of
Arms Act.

As per prosecution case, the allegation of robber in
which allegation of murder is also there. It has been alleged in

the F.I.R. that the informant's son was working in H.D.F.C. Bank, when he was returning from Muzaffarpur then on the road his son was murdered, his mobile, motorcycle and purse were not recovered and firing was made in the head.

Learned counsel for the petitioner of Cr. Misc. No. 56803 of 2022 submits that petitioner is not named in the F.I.R. He further submits that charge sheet has been filed in this case under Section 396/397/412 of I.P.C. read with Section 27 of Arms Act. He also submits that from the order sheet, it transpires that the motorcycle, bunch of key of motorcycles, identity card of the bank of deceased was recovered in the room of one Nishant Kumar who happens to be the cousin brother of petitioner. He further submits that there is one criminal case pending against the petitioner, in which, he is on bail and he is in custody since 13.07.2022.

Learned counsel for the petitioner of Cr. Misc. No. 66877 of 2022 submits that name of petitioner is also not figured in the F.I.R., there are one criminal case pending against him, in which he is on bail. He further submits that the present petitioner was remanded in the present case on 12.07.2022 whereas he was arrested in Kanti P.S. Case No. 317 of 2022. He also submits that involvement of petitioner in the present case is

not made out but in the confessional statement, only this part has figured that the pistol used in the crime was kept with the present petitioner.

Learned counsel for the State opposes the prayer for bail and submits that during investigation the involvement of present petitioners have figured in this case as the cousin of petitioner of Cr. Misc. No. 56803 of 2022 from whom recovery has been made, use to reside in the rented house of present petitioner whereas the pistol was recovered from the possession of petitioner of Cr. Misc. No. 66877 of 2022.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners, therefore, their bail applications are hereby **rejected**.

But liberty is hereby granted to the petitioners that they may renew their prayer for bail after framing of charge and the Trial Court shall release them on bail two months thereafter imposing its own condition, so that they may not evade their appearance during trial.

(Dr. Anshuman, J.)

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