

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64747 of 2019

Arising Out of PS. Case No.-3 Year-2018 Thana- NAUBATPUR District- Patna

Shatrughan Kumar @ Shatrughan @ Jatha, S/o Amrendra Singh @ Rangdar Singh @ Amendra Kumar, R/o village- Shekpura, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

9 03-01-2022 The applicant/accused in Crime No. 03 of 2018 registered with Naubatpur Police Station for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act at the instance of first informant Chintu Kumar @ Deepak Kumar, by this application is seeking his release on bail during pendency of the trial.

According to the prosecution case, Parasnath Sharma @ Parasnath Singh came to be murdered by firing bullets at him by some unknown persons on 03.01.2018. The FIR of the incident was lodged by his son Chintu Kumar.

The learned counsel for the applicant submits that the name of the applicant has surfaced during course of



investigation on the basis of confessional statement made by co-accused Gulab @ Gulab Kumar @ Amresh @ Amitesh Kumar and the said co-accused is already released on bail by a coordinate Bench of this court vide order dated 23.07.2018 passed in Criminal Misc. No. 35583 of 2018. Except this confessional statement to police there is no other evidence to connect the applicant/accused in the crime in question.

The learned Additional Public Prosecutor submits that he has no objection for granting bail to the applicant/accused.

I have considered the submissions so advanced and also perused the material placed before me.

It is not pointed out to the Court that there is other evidence to connect the applicant/accused to the crime in question except inadmissible confessional statement of the co-accused. Apart from that the said co-accused is already released on bail by a coordinate Bench of this Court vide order dated 23.07.2018 passed in Criminal Misc. No. 35583 of 2018. The learned Additional Public Prosecutor has already stated that he has no objection for grant of bail to the applicant and hence, the order :-

i. The application is allowed.



ii. The applicant/accused in Crime No. 03 of 2018 registered with Naubatpur Police Station for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Two Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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