

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66600 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- AMBA District- Aurangabad

Purushottam Kumar @ Purushutam Kumar Son of Bhola Mahto Resident of village - Dadhapa Bigha, P.S.- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 11864 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- AMBA District- Aurangabad

Manish Kumar Son of Bhola Mahto Resident of village - Dadhapa Bigha, P.S.- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 66600 of 2022)
For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
Mr. Ravi Shankar Singh, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP
For the Informant : Ms. Vaishnavi Singh, Adv.
Mr. Ritwik Thakur, Adv.
(In CRIMINAL MISCELLANEOUS No. 11864 of 2023)
For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
Mr. Ravi Shankar Singh, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP
For the Informant : Ms. Vaishnavi Singh, Adv.
Mr. Ritwik Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 With consent of the parties, both the applications, arise out of same P.S. case, are being heard together and disposed off by a common order.



Heard Mr. Yogesh Chandra Verma, learned senior counsel appearing on behalf of the petitioners duly assisted by Mr. Ravi Shankar Singh, learned counsel, Ms. Vaishanvi Singh, learned counsel for the informant and Mr. Manoj Kumar and Mr. Zianul Abedin, learned Additional Public Prosecutors for the State.

The petitioners seek regular bail, who are in custody in connection with Amba P.S. Case No. 191 of 2022 registered for the offences punishable under Sections 302 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in nutshell, is that on 05.08.2022 while the informant along with her husband, her brother and Chandan Kumar went to the market, in the meantime, four persons on two motorcycles came there and started indiscriminate firing causing injuries to her husband and Chandan Kumar, which proved fatal to her husband and injury to Chandan Kumar. Injured Chandan Kumar told the informant that Akash Kumar Singh and Chunna Singh shot her husband and also



recognized one Nand Kishore who was driving the motorcycle.

Learned senior counsel appearing on behalf of the petitioners submits that the FIR has been instituted against three named accused persons and one unknown persons and the specific allegation has been levelled against co-accused Akash Kumar Singh and Chunna Singh as the assailants. He further submits that during the course of investigation, one Subham Singh was apprehended by the police and on whose extra judicial confession, the name of the petitioners transpired as the liners. He next submits that save and except the extra judicial confession, there is no other material, suggesting the involvement of the petitioners in present crime and further from the FIR, it is evident that the deceased was also facing criminal trial and there might be animosity between two groups, which resulted into the present crime and moreover the specific allegation has been levelled against the other co-accused persons. Lastly, he submits that the petitioners are



persons having fair antecedent and petitioner Purushottam Kumar (Cr. Misc. No. 66600 of 2022) is in custody since 20.08.2022 whereas petitioner Manish Kumar (Cr. Misc No. 11864 of 2023) is in custody since 15.11.2022, and now the investigation of the crime is already complete and the charge-sheet has been submitted, hence, there is no chance of any tampering with the evidence or intimidating the witness.

On the other hand, learned counsel for the informant vehemently opposes the bail applications and submits that it is a case of pre-planned murder by hatching conspiracy and these petitioners had played active role of liner, which has also come during the course of investigation. Further the Call Details Report, suggests the involvement of the petitioners as they were in constant touch with other co-accused persons.

Learned counsel for the State also opposes the bail applications and submits that considering the nature of the crime, the case diary would be required for proper appreciation of the prayer for



bail of the petitioners.

Regard being had to the submissions made on behalf of the parties and considering the statement of the injured who categorically took the name of the two persons as assailants and the impugned order suggests that the name of the petitioners surfaced on the confessional statement of co-accused person and there is no material except the petitioners were in constant touch with other co-accused persons, coupled with the fair antecedent and the fact that the investigation of the crime has already been completed and the charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurgangabad in connection with Amba P.S. Case No. 191 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-



(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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