

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11175 of 2022**

Arising Out of PS. Case No.-4 Year-2021 Thana- MUNGER MUFFASIL District- Munger

KISHAN KUMAR Son of Raja Prasad Resident of Village - Babuaganj, Ward
No.4, P.S.- Khagaria, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 06-01-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent and is in custody since 21.09.2021.

The informant alleges that her husband got a call from
mobile no. 6204555840 and thereafter left saying that he got order to
supply sweets at Mansi. It is alleged that 07:00 p.m. her husband
from his mobile called on the mobile of his brother and disclosed that
he is at Tikampur and has been shot. Further, he was taken to the
hospital where he died on 02.01.2021 thus alleges that he was shot by
the holder of mobile no. 6204555840.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that name of the petitioner transpired in the confessional statement of Chandan Kumar @ Chandrashekhar, who is own brother of the deceased, disclosed that he had hired the petitioner for killing the deceased and had called him from the mobile number of the petitioner i.e. 6204555840. It is next submitted that during the course of investigation it transpired that it was the brother of the petitioner who got him killed. It is also submitted that it absolutely does not stand to reason that as to why the petitioner would have allowed the brother of the deceased to use his mobile number for calling the deceased and thus would have created evidence against himself. Learned counsel further submits that name of the petitioner transpired based on confessional statement of Chandan Kumar @ Chandrashekhar in police custody which does not have any evidentiary value in the eye of law. It is next submitted that in the nature of allegation and the facts which have transpired during the course of investigation it appears that petitioner has been falsely implicated. It is also submitted that purpose of arrest is not to punish but to ensure that investigation is not hampered in any manner. The police after investigation have already submitted charge-sheet and the petitioner undertakes that he will cooperate in the investigation and will not abscond. It is further submitted at the cost of repetition that petitioner is a person with clean antecedent and had absolutely



no enmity with the deceased.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the submission made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Munger Mufassil P.S. Case No. 04 of 2021.

Further, in the event, if the learned trial court comes to a conclusion that the petitioner, after his release, is trying to delay the trial of the case in any manner, the learned trial court shall forthwith cancel the bail bonds of the petitioner after recording reasons and shall take all coercive steps to ensure that the petitioner is behind bar.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

