

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11369 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Alok Kumar Son of Sudist Prasad Chaurasiya, R/O Vill.- Narghoghi, P.S.-
Sarai Ranjan, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Rana Sanjay Kumar Singh, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 668 of 2022, arising out of Musarigharari P.S. Case No.132 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The son of the informant used to work as vendor of Gas Cylinder in Shivani Rural Gas Distribution. While his son was returning after distributing Gas Cylinder, some unknown criminals intercepted him and in course of looting his money, they shot fire, due to which he died.

Submission has been made on behalf of the learned counsel for the petitioner that the F.I.R. has been instituted



against unknown miscreants. However, with regard to the alleged occurrence, which took place on 28.07.2022, the present F.I.R. has been instituted on 30.07.2022 without there being any explanation. Further submission has been made that after few days of the alleged occurrence, the petitioner was apprehended in connection with Musarigharari P.S. Case No.136 of 2022, in an Arms Act case and thereafter on the basis of his self-confession, he has been remanded in the present case. He further submits that the confessional statement of the petitioner has no evidentiary value in view of Sections 25/26 of the Indian Evidence Act, inasmuch, as save and except the confessional statement neither any incriminating material has been recovered from the person or possession of the petitioner nor there is any eye witness to the alleged occurrence suggesting the complicity of the petitioner. It is next submitted that now the charges have already been framed and, as such, there is no chance of tampering with the evidence, apart from the fact the petitioner is in custody since 30.08.2022.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation the tower location of the mobile phones of the petitioner and other accused persons have been found in the



vicinity of the place of occurrence and all the accused persons were in constant touch with each other and even the petitioner in his confessional statement confessed his guilt.

Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R., as also the fact that save and except the self-confession of the petitioner, there is no material suggesting the complicity of the petitioner and moreover the charges have been framed, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Samastipur in connection with Sessions Trial No. 668 of 2022, arising out of Musarigharari P.S. Case No.132 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

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

