

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21067 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- SARAIYA District- Muzaffarpur

Prabhat Kumar @ Chhotu, aged about 40 years, Male Son of Late Brajbhushan Prasad Singh, Resident of Village- Repura Malang Chowk, P.S.- Saraiya (Jaitpur O.P) District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Session Trial No. 808 of 2022 arising out of Saraiya (Jaitpur O.P.) P.S. Case No. 124 of 2022 dated 24.02.2022 registered for the offence punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case six named accused persons have killed the husband of the informant under conspiracy. They have taken away the motorcycle belonging to her husband. The police party raided the house of co-accused Braj Kishore Thakur from where the bullet motorcycle was recovered and during interrogation of co-accused Braj Kishore



Thakur, the dead body has been recovered from the mustard field. The name of this petitioner came in the confessional statement of co-accused Annu Kumar @ Anunay @ Anunay Kumar. However, there is no specific allegation of overt Act against the petitioner. There is no eye witness to the said occurrence. Nothing cogent material has been recovered from the petitioner. Confessional statement has no evidentiary value in the eyes of law. Petitioner has three criminal antecedent, however, he is on bail in those cases. Petitioner is in jail custody since 08.04.2022. Charge sheet has already been submitted in this case and there is no chance of absconding or tampering with the evidence, if the petitioner may be released on bail.

Learned counsel for the petitioner further submits that similarly situated co-accused Annu Kumar @ Anunay @ Anunay Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 09.01.2023 in Cr. Misc. No. 51858 of 2022.

Learned APP appearing for the State has opposes the prayer for bail.

Considering the facts and circumstances of the case and submission of learned counsel for the parties, let the



petitioner above named, be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 808 of 2022 arising out of Saraiya (Jaitpur O.P.) P.S. Case No. 124 of 2022 with the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Sunil Dutta Mishra, J)

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