

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20375 of 2023

Arising Out of PS. Case No.-35 Year-2022 Thana- PHULWARISHARIF District- Patna

MANDELA KUMAR @ CHHOTU Son of Subodh Kumar Resident of
Yarpur Shivaji Path, P.S.-Gardanibagh, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27634 of 2023

Arising Out of PS. Case No.-35 Year-2022 Thana- PHULWARISHARIF District- Patna

SUBHAM KUMAR son of Kaushal Ram Village- Kurthaul Ps- Parsa Bazar
Dist- Patna Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20375 of 2023)

For the Petitioner/s : Mr. Munni Kumar Moon, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 27634 of 2023)

For the Petitioner/s : Mr. Prakash Chandra, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
01.04.2022 & 31.03.2022 respectively, in connection with
Phulwarisharif P.S. Case No.35 of 2022 dated 15.01.2022
registered for the offences punishable under Sections 302,



120(b) and 34 of the I.P.C. & Section 27 of the Arms Act.

According to prosecution case, on 15.01.2022 the informant got information that his son has been shot dead. It is further alleged that five years ago his son had purchased a house from Manoj Kumar, who died and after that co-accused Rani Devi was residing in the house but she was neither giving the rent nor vacating the house and she demanded Rs. One crore from the informant and also threatened his son. The informant suspects that all the FIR named accused persons committed the murder of his son.

Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. The name of the petitioners has been transpired during investigation on the basis of confessional statement of the co-accused, namely, Chandan Kumar. Thereafter the statement of the petitioners was recorded before the police, in which, the petitioner Mandela Kumar @ Chotu has stated the entire episode and other accused also stated the entire episode. in which they have stated that co-accused, namely, Lopee Kumar @ Sahil has fired upon the victim and the petitioners were accompanied with the co-accused, namely,



Lopee Kumar @ Sahil and except the confessional statement of the co-accused person and self confessional statement of the petitioners, no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence. He further submits that co-accused, namely, Rakesh Kumar @ Rakesh Kumar Mahto @ Pappu has been granted bail by the Co-ordinate Bench of this Court vide order dated 23.03.2023 passed in Cr. Misc. No. 70778/2022 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 01.04.2022 & 31.03.2022 respectively.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that both the petitioners have carried one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Patna in connection with S. Tr. No.1022/2022, arising out of Phulwarisharif P.S. Case No.35/2022, subject to the following



conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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