

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29526 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- PUNPUN District- Patna

MUNNA KUMAR Son of Late Brijnandan Yadav Resident of Village -
Jatdumari, P.S.- Punpun, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Navin Kumar Pandey, APP
For the Informant/s :	Mr. Bindeshwar Sah, Advocate
	Mr. Shiv Shankar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel for the State duly assisted by learned
counsel appearing on behalf of the informant.

2. The petitioner seeks bail in connection with Punpun
P.S. Case No. 231 of 2022 registered for the offence under Sections
302, 201, 120-B of the Indian Penal Code and under Section 27 of
the Arms Act.

3. The accused/petitioner is not named in the F.I.R. and is
in custody since 21.07.2022.

4. The allegation against the petitioner is to commit
murder of friend and brother of informant alongwith other named and
unknown co-accused persons, where occurrence arises out of
disputes regarding purchase of a piece of land.

5. Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused Dheeraj Kumar in furtherance of which no incriminating material recovered/surfaced during the course of investigation as to connect petitioner, *prima facie*, with the present occurrence of double murder. It is submitted that the case of petitioner is on different footing, *qua*, co-accused Dheeraj Kumar for the reason that on the basis of confessional statement of Dheeraj Kumar, the dead body of deceased was recovered from the house of co-accused Pintu Kumar, who is named co-accused person. It is submitted that there is no eye witness of the occurrence and the entire allegation is based upon circumstantial evidences, where save and except confessional statement of co-accused Dheeraj Kumar, nothing appears incriminating against this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel, Mr. Shiv Shankar Thakur, while opposing the prayer of bail submitted that petitioner actively participated in occurrence as per the confessional statement of co-accused Dheeraj Kumar. It is submitted that trial is likely to conclude in near future but fairly conceded that still it is in the stage of examination of prosecution witness.

7. Considering the facts and circumstances as mentioned



above and by taking note of the fact as save and except suspicion arises out of confessional statement of co-accused nothing appears incriminating during the course of investigation as to connect petitioner, *prima facie*, with present occurrence of double murder coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.07.2022, accordingly, above named petitioner is directed to be released on bail in connection with Punpun P.S. Case No. 231 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Masaurhi/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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