

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33399 of 2023

Arising Out of PS. Case No.-75 Year-2020 Thana- GHORASAHAN District- East
Champaran

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Biranjana Kumar @ Viranjana Kumar S/O- Umakanta Mahto @ Uma Kanta
Prasad Mahto Village- Shripur Kasba Ps- Ghorasahan Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 22.02.2023 in connection with Ghorasahan P.S. Case No. 75 of 2020 for the offence punishable under Sections 302, 201, 120B, 34 of the I.P.C, 1860 (IPC) and 27 of the Arms Act lodged on 27.02.2020 by the informant, Arjun Kumar.

The prosecution story, that the factual matrix of the prosecution case, as laid down in the FIR, is that on 27.02.2022, the informant, Arjun Kumar, submitted written report before officer-in-charge of Ghorasahan P. S., alleging therein that on 24.02.2020 at about 4.30 a.m., his father went outside from house, but did not return till evening. Later his phone was also



switched off. On 25.02.2022, he received information through '*chaukidar*' that his father has been killed and dead body was thrown in Sripur garden near boring. He went to Ghorasahan police station and found that his father was shot dead by unknown miscreants. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner that there is no eye witness to the occurrence and only on the basis of suspicion and on confessional statement of Manjit Kumar who was in police custody, his name has been taken and that's way came into judicial custody on 22.02.2023 (as stated in para 15 in the bail application) and further, do not have criminal antecedent.

Learned APP opposes the prayer submitting that in the confessional statement of accused Manjit Kumar, his name has come up.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also that there is no eye witness to the occurrence and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of



like amount each to the satisfaction of the Learned 3rd Additional Chief Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 75 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is



allowed.

(Rajiv Roy, J)

Ravi/jyoti/-

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