

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33212 of 2022

Arising Out of PS. Case No.-1139 Year-2019 Thana- BIHTA District- Patna

SHIVAM KUMAR @ SHIVAM SARKAR Son of Ranjeet Kumar @ Dinesh
Yadav Resident of Village - Bhagwatipur, P.s.- Shahpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate
	:	Mr.Nilesh Kumar, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 61 of 2022 arising out of Bihta P.S. Case No. 1139 of 2019, registered for the offences punishable under Section 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation, according to the informant, is that his brother was killed on account of being shot by the accused persons and according to him co-accused person, namely, Ajay Kumar Singh and Dharamnath Singh, who were having dispute



regarding immovable property with the brother of the informant might have killed the younger brother of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he has been remanded in the present case on 13.07.2021. The learned counsel for the petitioner has further submitted that only because the petitioner is an accused in six other criminal cases, he has been implicated in the present case. The learned counsel for the petitioner has also submitted that the petitioner has been roped in the present case merely because of his bad antecedent. It is next submitted that the name of the petitioner does not even figure in the F.I.R. and his name has transpired in the present case, subsequent upon confessional statement made by the co-accused person, namely, Monu Kumar. Lastly, it is submitted that there is no evidence on record to suggest the complicity of the petitioner in the alleged occurrence.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the facts noted in the impugned order dated 13.05.2022, this Court finds that as far as the petitioner is concerned, minuscule evidence is available on record to suggest his complicity in the alleged occurrence, apart from the fact that similarly situated co-accused person, namely, Dharambir Kumar @ Babu Saheb has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 04.04.2022, passed in Criminal Miscellaneous No. 627 of 2022, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur, Patna in connection with Sessions Trial No. 61 of 2022 arising out of Bihta P.S. Case No. 1139 of 2019.

(Mohit Kumar Shah, J)

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