

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36059 of 2023

Arising Out of PS. Case No.-649 Year-2021 Thana- JAHANABAD District- Jehanabad

Dipu Kumar @ Dipak Kumar @ Dipu Yadav @ Deepak Kumar S/O-
Bijendra Prasad Village- Bajitpur Pandui Ps- Parasbigha Dist- Jehanabad
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 328, 120(B) of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, in brief, is that on 15.10.2021, one Chunnu Sharma came to the house of the informant and asked to his son namely, Praduman Kumar to accompany him to visit “Dusshera Mela” and thereafter his son did not return to his house. Later on, dead body of the aforesaid son of the informant was found at “Gauri ghat” with fire arm injuries. Further, alleged that his son has been murdered in a planned manner by accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner



is not named in the FIR. His name has been transpired in this case on the basis of confessional statement of co-accused Kundan Kumar, which has no evidentiary value in the eye of law. During investigation, except the confession of co-accused, no any consistent material has come against the petitioner to show his involvement in the alleged offence. Moreover, similarly situated co-accused namely, Kundan Kumar has already been granted bail by a co-ordinate Bench of this Court vide order 15.6.2022 passed in Cr. Misc. No. 6967 of 2022. It is further submitted that the petitioner is languishing in judicial custody since 20.03.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jehanabad (Town) P.S. Case No. 649 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad.

(Sunil Kumar Panwar, J)

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