

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37221 of 2023

Arising Out of PS. Case No.-270 Year-2021 Thana- BHAGWAN BAZAR District- Saran

GAURAV KUMAR S/O SUBODH SINGH R/O Village. Arara, PS. Hajipur
Sadar Dist. Vaishali at Hajipur. At present R/O Vill. Telpa C/O. Anil Ray
house owner, PS. Chapra Town, Dist. Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-09-2023 Heard the parties.

2. The petitioner is in custody in connection with
Bhagwan Bazar P.S. Case No. 270 of 2021 for the offence
under sections 302/34 of the Indian Penal Code and 27 of Arms
Act lodged on 03.06.2021 by the informant, Ramji Prasad Sah.

3. As per the prosecution story, the informant's son
(deceased) was serving as an Assistant Compounder in the
nursing home of Dr. Rakesh Kumar Prasad. On 03.06.2021,
Amitabh Rai, who has been made co-accused and the
Compounder working in the said clinic informed the informant
that his son is traceless from the nursing home. Upon reaching
the place, came to know that he has been shot dead and thrown
near Shishu Park. He went to the hospital and found the dead



body. Accordingly the FIR.

4. Learned counsel for the petitioner submits that the Police investigated the matter and it came to notice that Ankit Kumar Chourasiya was last seen taking the deceased on a motorcycle from the nursing home and further, there is a statement of a dancer namely Sonia who has stated that the said Ankit and deceased were known to each other and had come to pick her from Railway Station and they accompanied, went to Chapra whereas the deceased stayed at the station.

5. Further submission is that he is in custody since 22.11.2021 (as stated in paragraph 12 of the petition) and do not have criminal antecedent.

6. The last submission is that the said Ankit Kumar Chaurasiya has since been granted bail vide Cr. Misc. No. 60282 of 2021 by a co-ordinate Bench on 22.03.2022.

7. Let the same be kept on record.

8. Learned APP, Mr. Bharat Bhushan opposes the prayer for bail stating that although he is not named in the FIR, in the confessional statement of accused who was apprehended, it came to notice that this petitioner snatched the mobile of the deceased whereas co-accused Rohit Kumar shot him, as a result whereof he died. The confession also resulted into recovery of



country made pistol, live bullet and the cartridges.

9. Taking into account the facts on record, the deceased was last seen with Ankit Kumar Chaurasiya who has since been granted bail, as stated above, the allegation of opening fire causing death to Suraj Kumar is attributed to Rohit Kumar, the only allegation against the petitioner is that he snatched the mobile, is in custody since 22.11.2021 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. 1st Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 270 of 2021 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/her 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 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.

11. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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