

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42791 of 2022

Arising Out of PS. Case No.-623 Year-2021 Thana- NAUBATPUR District- Patna

PAWAN KUMAR S/o Sri Ajay Kumar Gupta @ Ajay Kumar R/o village-Balmi (Nawada), P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Bijay Kumar, Advocate
For the Opposite Party/s	:	Mr.Md. Matloob Rab, APP
For the Informant	:	Mr. Rabinddra Kr. Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Naubatpur PS case no. 623 of 2021 instituted for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that he is a Medical Practitioner at Gajipur, U.P. and his wife namely Rimjhim Kumari used to reside at Patna for the purposes of education of her children as also she used to run a Beauty Parlour. It is also stated by the informant that on the alleged date and



time of occurrence, she left her Parlour for returning back to her home but she did not reach, whereupon, the informant has asked his acquaintances at Patna to make a search for her but they did not succeed, hence the present case was lodged at about 11 am on 24.11.2021. A news regarding recovery of an unidentified dead body was flashed in the local news and it transpired that a dead body had been kept at the police station for identification, whereafter the relatives of the informant had gone to the police station and identified the dead body to be that of the wife of the informant. It is also alleged that when the deceased was at her Beauty Parlour on 23.11.2021, a person had called her on mobile and had asked her to come to a certain place and when she had gone there, she was killed by unknown miscreants.

The learned Senior counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 27.11.2021. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases but he is



on bail in the said cases. It is next submitted that there is no eye-witness to the alleged occurrence and the name of the petitioner has transpired upon the confessional statement made by the co-accused persons namely Suraj Kumar and Kamal Kumar, which has got no evidentiary value in the eyes of law, hence the same cannot form the basis for implicating the petitioner in the alleged crime. Nonetheless, it is submitted that the co-accused person namely Rohit Kumar has confessed that he was having financial issues with the deceased lady and the deceased lady was pressurizing him to return her money, whereafter plan was hatched to eliminate her and then the co-accused person namely Ranjit Kumar had opened fire on the deceased lady and killed her. Lastly, it is submitted that the co-accused persons namely Kamal Kumar and Rahul Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 18.10.2022, passed in Cr. Misc. no. 40602 of 2022 and Cr. Misc. no. 42096 of 2022, respectively.

Per contra, the learned APP for the State as also the learned counsel for the informant have vehemently



opposed the prayer for bail. The learned counsel for the informant has submitted that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime. A counter affidavit has been filed on behalf of the informant, wherein it has been stated that the main assailant is Ranjit Kumar who had fired upon the deceased, resulting in her death and this fact has been admitted by the said Ranjit Kumar, in his confessional statement, which can be found at paragraph no. 46 of the case diary. It is also submitted that the accused persons have conspired together to kill the deceased for want of hefty sum of money.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that at best, the confessional statement of the co-accused person namely Ranjit Kumar points out towards the complicity of the said Ranjit Kumar in having shot dead the deceased apart from the fact that there is no eye-witness to the alleged occurrence and as far as the petitioner is concerned, there is minuscule evidence available in the case diary to show that



he is the assailant as also considering the fact that co-accused persons namely Kamal Kumar and Rahul Kumar have already been granted bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.D.J.-VI, Danapur in connection with Naubatpur PS case no. 623 of 2021.

(Mohit Kumar Shah, J)

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