

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44088 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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CHIKKU KUMAR, SON OF GOLKI SINGH @ RAMESH SINGH @
GOLKI R/O VILLAGE- BABHANGAMA, P.S.- NAWKOTHI, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-02-2023 Let the defect(s), if any, pointed out by the office

be removed within three weeks from the date of this order,

failing which the matter be listed again under the appropriate

heading for necessary action.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Nawkothe P.S. Case No. 103 of 2021 registered for the offences

punishable under Sections 302, 120(B)/34 of the Indian Penal

Code and Sections 3/4 of the Explosive Substance Act.

As per the prosecution, the informant's son was killed

by some unknown miscreants over enmity.

The main submissions advanced by the learned



counsel Mr. Arjun Prasad for the petitioner are that in the instant matter, the petitioner is not named in the FIR and as per the prosecution story, 10-15 unknown persons committed the alleged occurrence and during the investigation, the name of the petitioner surfaced on the basis of CCTV footage and some of the co-accused persons who have also been made accused mainly on the basis of said CCTV footage have been granted bail by different co-ordinate Benches of this Court vide orders passed in Cr. Misc. No.32755 of 2022 and Cr. Misc. No.46435 of 2022 and the petitioner has been languishing in jail since 29.09.2021 and during the investigation, no witness claimed to have identified this petitioner and after the petitioner's arrest in the present matter, he was not put on Test Identification Parade. Further submission is that though against the petitioner, there are criminal antecedent of nine cases but he has got bail in six cases out of the said antecedents.

Learned APP Mr. Sanjay Kumar Singh appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the fact that the FIR was registered against 10-15 unknown persons and the prosecution is merely relying upon a CCTV footage in respect of the involvement of this petitioner in the



alleged crime and except this, there is no any other material to connect the petitioner to the alleged crime and during the investigation, most of the witnesses did not claim to have identified this petitioner, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in connection with Nawkothe P.S. Case No. 103 of 2021.

(Shailendra Singh, J)

Sanjay/-

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