

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59872 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- SULTANGANJ District- Patna

Chotu Kumar @ Mritunjay Kumar Son Of Parmeshwar Sahu @ Parmeshwar
Sao R/O Mohall- Sandalpur Road, Near White House, Alka Colony, P.S.-
Bahadurpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 341,302,201,34 of IPC and Section 27
of Arms Act.

The prosecution case in short is that the informant
received an information that his brother Suraj Kumar has been
shot dead and on this information he reached N.M.C.H., Patna.
According to informant his brother has gone with Chhotu
Kumar and he alongwith other co-accused persons killed his
brother.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been



implicated in the present case only on the basis of suspicion. He further submits that in fact the informant is not the eye witness of the alleged occurrence and only on the basis of suspicion the petitioner and other co-accused persons have been implicated in the present case. Further submits that co-accused, namely, Akash Kumar has given statement before the police and he has stated that Indal Ram, Siwa Ram and Bittu Kumar made firing from their pistol and they have not named the petitioner. Further submits that the similarly situated co-accused persons have been granted bail by a Coordinate Bench of this Hon'ble Court vide order at Annexure-2 to this bail petition and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.07.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, 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 court below where the case is pending in connection with Sultanganj P.S.Case No.309 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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