

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60017 of 2023

Arising Out of PS. Case No.-11 Year-2021 Thana- SULTANGANJ District- Patna

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REESHAV KUMAR @LUTTUS SON OF RUPESH KUMAR R/O 29 C
NEW STAFF QUARTER, BLOCK C, DARBHANGA HOUSE, PMCH,
SAMPATCHAK, PS- PIRBAHORE, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Sultanganj P.S. Case No. 11 of 2021 for the offence under sections 341/34 and 302 of the Indian Penal Code lodged on 15.01.2021 by the informant, Md. Allauddin.

3. As per the prosecution story, it has been alleged that the informant's brother had gone to Gulbi Ghat to attend cremation where shoot out took place. Then he was rushed to PMCH where he was declared dead. The locals named Kullu Kumar as the person who shot at his brother. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though the Police claimed that he confessed the crime, the said



Kullu Kumar also confessed that he was the sole person who committed crime and locals have not named him and he has remained in custody since 29.08.2022 (as stated in paragraph 9 of the petition).

5. Learned APP opposes the prayer for bail stating that he has criminal antecedent inasmuch as eleven criminal cases are pending against him.

6. Taking into account the submissions put forward by the learned counsel for the petitioner as also that the locals named Kullu Kumar as the person who committed crime though petitioner has confessed before the Police, is in custody since 29.08.2022, chargesheet has been submitted, this Court is inclined to extend him the privilege of bail but only after framing of the charges in view of the fact that he has eleven criminal cases under his belt.

7. Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M, Patna City, Patna in connection with Sultanganj P.S. Case No. 11 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 month for one year 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.

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

(Rajiv Roy, J)

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