

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56901 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- BIKRAM District- Patna

BIRU KUMAR @ LALU KUMAR S/O LATE SURENDRA YADAV
Resident of village- Nagahar, P.S.- Bikram, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoranjan Kumar, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Session's Trial No.712 of 2021 arising out of Bikram P.S. Case NO.97 of 2021, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The case of the prosecution according to the informant is that her husband had gone to the market to fetch milk on his Scorpio vehicle, however, later on, the informant came to know that the accused persons, namely, Ranjit Kumar, Damru Yadav, Niiranjan Sao and Bineshwar Yadav



had killed her husband at Damru Hotel.

It is submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 01.08.2021. It is further submitted that though the petitioner is an accused in one another case, but he is on bail in the said case. It is further submitted that the name of the petitioner has transpired in the present case upon disclosure made by one witness, namely, Bibha Devi, whereupon, the petitioner was arrested and his confessional statement was recorded, nonetheless, the fact is that the petitioner is the son of the deceased/ husband of the informant and he had got no role in the alleged occurrence inasmuch as he has not been named as an accused in the FIR. It is also submitted that the petitioner has been falsely roped in the present case in order to save the main accused of the case, i.e, Bibha Devi, who had conspired to kill the father of the petitioner. Lastly, it is submitted that the FIR named co-



accused person, namely, Niranjana Saw has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 11.01.2023 passed in Cr. Misc. No.23114 of 2022, apart from one another co-accused, namely, Babloo Yadav, having also been granted the privilege of bail by this Court vide order dated 17.01.2023 passed in Cr. Misc. No.60212 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, taking into account the materials on record as also taking into account the aforesaid submissions of learned counsel for the petitioner, this Court finds that benefit of doubt can be granted to the petitioner for the purpose of grant of bail, especially in view of the fact that there is no eye witness to the alleged occurrence and the petitioner is languishing in custody since one and a half year,



hence, this Court deems it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur (Patna) in connection with Session's Trial No.712 of 2021 arising out of Bikram P.S. Case NO.97 of 2021.

(Mohit Kumar Shah, J)

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