

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63868 of 2022

Arising Out of PS. Case No.-835 Year-2021 Thana- SASARAM NAGAR District- Rohtas

Abhay Kumar @ Golu Kumar @ Golu Son Of Birjan Singh R/O Village-
Beda, P.S.- Sasaram (NAGAR), District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-02-2023 Let the defects, 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 Sasaram Town P.S. Case No. 835 of 2021 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution, the informant alleged that his father and mother were sleeping in a hut, which is situated outside his house and all of a sudden at midnight, two persons riding on a motorcycle came and entered into the hut and woke

his father up and shot him in the chest, owing to which his father succumbed to his injury.

The main submissions advanced by learned counsel Mr. Binod Kumar Singh appearing for the petitioner are that the petitioner is not named in the FIR, during the investigation on the basis of confessional statement of co-accused namely, Rama Shankar Kumar, the petitioner's name surfaced but the petitioner had no relation or connection with the said co-accused Rama Shankar Kumar as well as the deceased and in actual there was some civil dispute in between the said co-accused and the deceased. Further submission is that the co-accused Rama Shankar Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 19.07.2022 passed in Cr. Misc. No. 13816/2022 and other three co-accused persons namely, Rohit Kumar @ Rohita Kumar, Sushil Kumar and Amar Kumar have also been granted bail by different Benches of this Court vide orders dated 12.09.2022, 16.09.2022 and 26.09.2022 passed in Cr. Misc. Nos. 28664/2022, 34271/2022 and 12397/2022 respectively. Further submission is that except the confessional statement of co-accused Rama Shankar Kumar, there is no any other material against the petitioner showing his involvement in the alleged crime and the informant is not an eye-witness of the

alleged occurrence and during the investigation, no one claimed to have seen the alleged occurrence of murder and the petitioner has been languishing in jail since 31.10.2021 and the investigation has been completed and against him there is criminal antecedent of one case, in which he is on bail.

Learned APP Ms. Anita Kumari appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, in my opinion the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Sasaram Town P.S. Case No. 835 of 2021.

(Shailendra Singh, J)

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