

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71552 of 2023

Arising Out of PS. Case No.-283 Year-2021 Thana- DESARI District- Vaishali

RAM KUMAR @ RAM KUMAR SINGH @ CHHOTU Son of Late
Nagendra Singh Village- Rampur Pohiyar P.S.- Desari (Sahdei O.P.) Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-12-2023 1. Heard learned counsel for the Petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sessions Trial No. 499 of 2023 arising out of Desari (Sahdei
O.P.) P.S. Case No. 283 of 2021, dated 06.08.2021, registered
for the offence(s) punishable under Sections 396/34, 302/34 and
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier attempt for the same relief
was rejected by this Bench vide order dated 31.08.2022 passed
in Cr. Misc. No. 14238 of 2022 and now the petitioner, who has
been languishing in jail since 21.10.2021, has come again for
the same relief by filing the instant petition.



4. The main submissions advanced by learned counsel for the petitioner are that the petitioner and co-accused Ankit Kumar Thakur @ Ankit Thakur earlier preferred Cr. Misc. No. 14238 of 2022 and Cr. Misc. No. 15526 of 2022 respectively for the relief of regular bail which was rejected by this Bench by a common order and thereafter the said co-accused Ankit Kumar Thakur @ Ankit Thakur preferred Cr. Misc. No. 30727 of 2023 and his second prayer has been allowed and petitioner's case stands on similar footing with him with respect to the nature of allegation as well as custody period, hence he is also entitled to the same privilege. Further submissions are that the petitioner has been languishing in jail since 21.10.2021 and he is not named in the FIR and merely on the basis of suspicion he was dragged in the present matter and there was no reason for him to be involved with other accused persons in the commission of the alleged murder and after his arrest he was not put on test identification parade before the witnesses who claimed to have seen the alleged occurrence and during investigation, the police investigated the alleged crime on the basis of C.C.T.V. footage but the picture of this petitioner was not found in the said C.C.T.V. footage, hence there is no material or evidence against this petitioner to connect him to the alleged crime of murder.



5. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

6. Heard both the sides. Though against this petitioner, there is serious allegation but considering his young age as well as his long custody period and mainly the privilege of bail having been granted to two co-accused persons namely, Ankit Kumar Thakur @ Ankit Thakur and Nitish Kumar @ Nitish Prasad @ Shaka @ Sajan @ Raja by this Bench as well as the co-ordinate Bench of this Court vide orders passed in Cr. Misc. No. 30727 of 2023 and 50614 of 2022, respectively and petitioner's case stands on similar footing with them, in my opinion, in the said circumstances the petitioner now 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 concerned Court in connection with Sessions Trial No. 499 of 2023 arising out of Desari (Sahdei O.P.) P.S. Case No. 283 of 2021.

(Shailendra Singh, J)

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