

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6309 of 2024

Arising Out of PS. Case No.-632 Year-2023 Thana- PATLIPUTRA District- Patna

SANTOSH KUMAR, Aged about 37 years, Male, S/o Late Ram Ishwar Rai
@ Rameshwar Rai R/o-Makhdumpur Bagicha, Bhalua Jee Nagar, P.S.-Digha,
Distt.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14021 of 2024

Arising Out of PS. Case No.-632 Year-2023 Thana- PATLIPUTRA District- Patna

Vishal Kumar @ Ajay Ray, Aged about 37 years, Male, S/O Mohan Rai R/O
Bal Kishun Complex, Near Central Bank, Rajeev Nagar, P.S- Rajeev Nagar,
Distt.- Patna, At Present Residing Of At Mohalla- Kurji Balu Par, P.S- Bigha,
Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6309 of 2024)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Amresh Kumar Sinha, Advocate
Mr. Saroj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 14021 of 2024)

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

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners seek bail in connection with
Patliputra P.S. Case No. 632 of 2023 instituted for the offences



punishable under Sections 326, 307, 120(B) of the Indian Penal Code and Section 27 of the Arms Act and further Section 302 of the IPC has been added.

3. As per the prosecution case, four unknown persons the hired by the named accused persons came on two motorcycles and shot the brother of the informant who later on died. It is further alleged that contract killers were hired to kill the brother of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Petitioners are not named in the F.I.R. The informant is not the eye witness of the alleged occurrence. They have no concern with the alleged occurrence and other co-accused persons. Nothing incriminating article has been recovered from their conscious possession. Name of the petitioners transpired during investigation on the basis of confessional statement of co-accused before the police which has no evidentiary value in the eye law. The other co-accused namely, Gorakh Rai @ Gorakh Nath has already been granted bail by this Court vide order dated 06.03.2024 passed in Cr. Misc. No. 16808 of 2024. Petitioners are languishing in judicial custody since 17.09.2023.



5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail and submitted that petitioner Santosh Kumar has one criminal antecedent and petitioner Ajay Rai @ Vishal Kumar has several criminal antecedents. Learned counsel for the informant also submitted that a cancellation of bail order of one of the co-accused has already been filed before the Hon'ble Apex Court vide Special Leave Petition (Criminal) No. 13068 of 2024, which has been passed by this Hon'ble Court in Cr. Misc. No. 16808 of 2024.

6. From perusal of the F.I.R., case diary and impugned order dated 02.01.2024 and 29.01.2024, it appears that petitioners are not named in the F.I.R. and their name transpired in this case during the course of investigation in para 390 and 480 of the case diary on the basis of confessional statement of Co-accused Vikash Prasad and Md. Raza respectively. Save and except the confessional statement of co-accused no other consistent material has come against the petitioners to show their complicity in the alleged occurrence. Neither T.I.P. of the petitioners has been conducted during investigation nor anything has been recovered from their



conscious possession.

7. Considering the facts and circumstances of the case and submissions made on behalf of the petitioners, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Sub-Judge X-cum-A.C.J.M.-X, Patna in connection with Patliputra P.S. Case No. 632 of 2023.

(Ramesh Chand Malviya, J)

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