

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13994 of 2024

Arising Out of PS. Case No.-35 Year-2022 Thana- PHULWARISHARIF District- Patna

=====

Lopee Kumar @ Sahil @ Sahil Kumar Son of Suresh Prasad Rajak @ Suresh Rajak Resident of Village- Gayatri Nagar, Kurthaul, P.S.- Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for regular bail which was dismissed for default vide order dated 02.08.2023 passed in Cr. Misc. No. 42399 of 2023.

3. The petitioner seeks bail in connection with Sessions Trial No. 1022 of 2022 arising out of Phulwarisharif P.S. Case No. 35 of 2022 instituted for the offences under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per prosecution case, on 15.01.2022, the Informant got information that his son has been shot dead. It is further alleged that five years ago, his son had purchased a



house from one Manoj Kumar who died and after that the co-accused Rani Devi was residing in the house but, she was neither giving the rent nor vacating the house and she demanded Rs. one crore from the Informant and also threatened his son. The Informant suspects that all the FIR named accused persons committed the murder of his son.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case only on mere suspicion. The petitioner is not named in the F.I.R. rather his name has surfaced in this case during investigation only on the basis of confessional statement of co-accused Chandan Kumar before the police. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was remanded in this case from another case being Phulwarisharif P.S. Case No. 334 of 2022 when he was in jail. The petitioner has four criminal antecedents of the similar nature of offence as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 01.04.2022.

6. Learned counsel for the petitioner again submits that the co-accused Mandela Kumar @ Chhotu and Subham



Kumar have been granted bail by a Co-ordinate Bench of this Court vide common order dated 12.07.2023 passed in Cr. Misc. Nos. 20375 of 2023 and 27634 of 2023 respectively. He further points out that co-accused Rakesh Kumar @ Rakesh Kumar Mahto has also been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 23.03.2023 passed in Cr. Misc. No. 70778 of 2022. Charge-sheet has been submitted in this case.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also prayer for bail based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 1022 of 2022 arising out of Phulwarisharif P.S. Case No. 35 of 2022.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

