

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30739 of 2024

Arising Out of PS. Case No.-39 Year-2016 Thana- JIRADEI District- Siwan

Uday Kumar S/o Late Lalbabu Prasad R/o Village Dakhin Tola, P.S. Siwan
Town, District Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-07-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Ziradei P.S. Case no.39 of 2016 registered under section 396 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that while he along with one another were proceeding to deposit Rs.20 lacs, their motorcycle was overtaken by three accused persons on another motorcycle and on the point of pistol, they were asked to hand over the articles that they were carrying. The informant further states that he got down from the motorcycle and started to run while the other person Abhishek Kumar was



surrounded by the accused. Thereafter two sounds of gunshot was heard by him and he saw that Abhishek Kumar had fallen down with a gunshot injury. Subsequently it transpired that Abhishek Kumar had been killed and Rs.5 lacs was missing.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and has been falsely implicated in the case in course of investigation in the confessional statement of a co-accused made before police. No incriminating article has been recovered from the petitioner's possession and the petitioner undertakes to cooperate in the case.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation specially the contents of paragraph no.83 of the case diary wherein in his confession co-accused Vijay Kumar Tiwary has mentioned about the petitioner being armed with a firearm and having participated in the occurrence together with the fact that in an FIR registered on 17.9.2016, the petitioner continued to abscond till he was taken into custody about seven years later on



5.7.2023, the Court is not inclined to enlarge the petitioner on
bail and the application is rejected.

(Partha Sarthy, J)

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