

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33767 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Suman Kumar Ram @ Suman Kumar Son of Manoj Ram Resident of Village
- Nathudwar, P.S.- Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and is in custody since 19-
8-2023 and the informant alleges that his brother was sleeping
in the *Auto* and the informant was also sleeping beside him on a
bed, when his brother was shot dead by Manikant, Shankar
Sharma, Sunita Devi and two unknown accused while he was
sleeping, further on hearing the gun-shot, the informant woke up
and saw Sunita standing near his door, while Manikant, Shankar
and two unknown were fleeing with gun in their hand.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case during the course of investigation. It is also submitted that petitioner is not named in the FIR. It is next submitted that during the course of investigation, it transpired that sister of the deceased was having an affair with Sujit and Sujit was perturbed by the act of the deceased as he was not allowing his sister to meet him as such Sujit committed the occurrence. It is further submitted that the confessional statement of the Sujit was recorded wherein he accepted his guilt but then also stated that he procured the gun from the petitioner for committing the occurrence. It is next submitted that the name of the petitioner transpired in the confessional statement of Sujit in police custody, which does not have any evidentiary value.

5. On query of the Court that as to whether charges have been framed against the petitioner or not; the learned counsel appearing on behalf of the petitioner submits that he has no instruction on the said issue.

6. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be



released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bibhutipur P.S. Case No. 81 of 2023.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify whether charges have been framed against the petitioner or not and in the event if charges have not been framed, in that event, the present bail order shall not be given effect to, but if charges have been framed, in that event, the bail bonds of the petitioner shall be accepted forthwith.

9. It is further made clear that petitioner would be at liberty to renew his prayer for bail before this court after framing of charge, in the event, if his bail bonds are not accepted on the ground that charges have not been framed.

(Satyavrat Verma, J)

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