

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39562 of 2024

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

Sanjit Kumar @ Sujit Kumar, son of Ramchandra Mahto R/o- Nathudwar,
P.S- Khanpur, Dist- Samastipur, Bihar-848236

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-10-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Section 302 and 34 of the Indian
Penal Code and section 27 of the Arms Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and is in custody since
19.08.2023 and the informant alleges that his brother was
sleeping in an auto and the informant was also sleeping beside
him on a bed, when his brother was shot dead by Manikant
Kumar, Shankar Sharma, Sunita Devi and two unknown
accused. It is next alleged that on hearing gunshot, the informant
woke up and saw Sunita standing near his door while Manikant,
Shankar and two unknown were fleeing with gun in their hands.



4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case during the course of investigation. It is next submitted that petitioner is not named in the FIR. It is further submitted that during the course of investigation, it transpired that sister of the deceased was having an affair with the petitioner and petitioner was perturbed by the act of the deceased as he was not allowing his sister to meet him, as such, petitioner committed the occurrence. It is also submitted that petitioner was taken in custody in a different case in which he was forced to confess his guilt. It is next submitted that in the confessional statement, the petitioner confessed that he had committed the occurrence and had procured the gun from Suman. The learned counsel next submits that it absolutely does not stand to reason that if petitioner was having an affair with the sister of the deceased and the informant of the instant FIR is another brother of the deceased, then the petitioner was known to the petitioner, but still he does not name the petitioner in the occurrence rather has alleged that the occurrence was committed by named accused persons, which cast an aspersion on the case of the prosecution.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned



counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Rosera, Samastipur in connection with Bibhutipur P. S. Case No.81 of 2023.

7. The application stands allowed.

(Satyavrat Verma, J)

vikash/-

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

