

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39791 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Tarun Kumar @ Mithu @ Mitthu Kumar Son of Arun Kumar @ Babloo
Singh, Resident of Village- Manjhaul (Manjhaul - 2) Baba Tola, Ward No.
11, Pashchmi Bhag, P.S- Cheriya Bariyarpur District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Binod Kuamr No.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Cheria Bariarpur P.S. Case No. 163 of 2023 dated 25.06.2023
registered for the offences punishable under Sections 302, 201,
120B read with Section 34 of the Indian Penal Code and
Section 27 of Arms Act.

3. Mr. Sandip Kumar Gautam, learned counsel
appearing for the petitioner submits that the FIR has been
registered against unknown persons and during investigation, in
the re-statement of the informant the name of this petitioner
surfaced but only suspicion was raised by the informant against



the petitioner. Similarly situated co-accused persons namely, Sonu Kumar and Raman Kumar and ors. have been granted bail by this bench vide orders dated 19.02.2024 and 28.02.2024 passed in Cr. Misc. No. 8374 of 2024 and Cr. Misc. No. 11676 of 2024 respectively. He further submits that the name of the petitioner has surfaced in the confessional statement of co-accused, namely, Satyam and except this, there is no any material to connect the petitioner to the alleged crime. During investigation, no one claimed to have seen the occurrence and the petitioner has got no criminal antecedent and has been languishing in jail since 07.03.2024 and against him, the investigation has been completed on 24.11.2023.

4. Mr. Binod Kumar No.3, learned counsel appearing for the State has opposed the bail prayer of the petitioner.

5. Heard both the sides and perused the FIR and case diary of this case. The FIR has been registered against unknown persons and in the case diary, this court does not find any direct evidence to show the petitioner's connection to the alleged crime and only a suspicion has been raised against him. Considering these facts and also, the completion of investigation against him, in the opinion of this court, it is a fit case for bail to the petitioner Accordingly, let the petitioner named-above be



released on bail after framing of charge on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Cheria Bariarpur (Manjhoul) P.S. Case No. 163 of 2023 with following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- (2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.
- (3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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