

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48327 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- MIRGANJ District- Gopalganj

Suraj Kumar Gond @ Suraj Kumar S/o Rajendra Sah Gond R/o Village
Narkatia, P.S. Uchakagaon, District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Mirganj
P.S. Case No. 21 of 2024 instituted for the offences under
Sections 302, 120B/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of being involved in commission of murder of the
Informant's son.

4. 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.
The petitioner is not named in the F.I.R. and his name has
surfaced in this case during investigation on the basis of



confessional statement of co-accused Vipin Kumar Singh. As per confessional statement of the co-accused Vipin Kumar Singh which is at Para-65 of the case diary, it is apparent that the petitioner is not the assailant rather co-accused Vipin Kumar Singh is the assailant to the deceased. There is no eye-witness to the alleged occurrence. The alleged knife has also not been recovered from the possession of the petitioner. No T.I.P. has been held in this case. There is no direct or specific allegation of any overt act against the petitioner rather the same is against the co-accused Vipin Kumar Singh. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.02.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the name of the petitioner has sprung in this case on the basis of confessional statement of co-accused Vipin Kumar Singh and on the disclosures made by the co-accused Vipin Kumar Singh, the knife used in the murder of the deceased was recovered, as is evident from Para-67 of the case diary.

6. Having heard rival contention of both the parties and taking into account the period of custody of the petitioner



and there being no direct allegation against the petitioner as also the petitioner having no criminal antecedent, 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 Mirganj P.S. Case No. 21 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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