

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59528 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Ranjan Kumar, Son of Nageshwar Prasad, Resident of Dhobia Kothi,
Priyadarshini Nagar Colony, P.S.- Tilkamanjhi, Dist.- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar- Sr. Advocate
		Mrs. Shashi Priya- Advocate
		Mr. Arya Achint
For the Opposite Party/s :		Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-09-2024 1. Heard learned counsel for the petitioner Ms. Shashi Priya and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Sections 25(1-B)a, 26 and 27 of the Arms Act.
3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 18.02.2024 at 10.30 P.M., Ambuj called his son Ajit on mobile and asked him to come, on which Ajit informed that he is going with Ambuj to the coaching institute of Karan Kumar. Further, at 3.00 A.M., police called and informed the informant that Ajit has been shot and is taken



to JLNMCH. Accordingly, the informant reached the hospital and saw the dead body of his son, thus, alleges that his son was killed by Ambuj and Karan.

4. The learned counsel for the petitioner submits that petitioner is not named in the FIR, nor any suspicion has been raised against him by the informant, nor the deceased before leaving the house even remotely suggested about the petitioner. It is also submitted that petitioner is a student of KIET, Gaziabad and is pursuing his MCA as would manifest from Annexure- P/2 series. It is next submitted that the name of the petitioner transpired in the case based on confessional statement of Karan wherein Karan accepted that he shot Ajit and thereafter, handed over the pistol to the petitioner. It is thus submitted that confession before police is not admissible in evidence. It is also submitted that one Gold Yadav during the course of investigation stated before the police that at about 2.00 A.M., when he was going home from the coaching, when he heard a sound of firing and saw Ambuj and petitioner fleeing and later came to know that Ajit has been shot. It is submitted that no doubt, Gold Yadav is an independent witness, but whether the witness is credible or not is to be tested in the trial as it does not appear probable that at 2.00 A.M. in the morning



Gold Yadav would have been going to his home from the coaching, but then, Gold Yadav is also not an eye witness to the occurrence of killing. It is also submitted that sister of the petitioner has filed a representation dated 08.04.2024 before the S.S.P., Bhagalpur praying to get the case investigated in its correct perspective, so that no innocent person is falsely implicated in a criminal case.

5. Learned A.P.P. opposes the anticipatory bail application and submits that no doubt, petitioner is not named in the FIR, but then, his name transpired during the course of investigation and in the confession of Karan and it is an admitted fact that son of the informant Ajit has died on account of firearm injury. It is also submitted that investigation of the case in its nascent stages and in the event, if petitioner is enlarged on anticipatory bail, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence that he was not even present at the place of occurrence when the occurrence is alleged to have taken place.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tilkamanjhi) P. S. Case No.141 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his father namely Nageshwar Prasad.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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