

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63174 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Sankar Kunwar Son of Jaikant Kumar Village- Bharaul Ps- Bachhawara Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Adv.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

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

ORAL ORDER

5 06-03-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with Begusarai Town P.S. Case No. 64 of 2023 instituted for the offences under Sections 302, 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the F.I.R., two unknown miscreants boarded on motorcycle came to the Informant's son and shot three round of fire due to which he died and took away his motorcycle, tab and case amounting Rs. 81,702/-

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 when one co-accused Kundan Kumar @ Nepali was arrested by the police who has disclosed the name of the petitioner. He further submits that though the police has recovered one motorcycle at the instance of the petitioner but, in the seizure list, there is no signature of the petitioner. No T.I.P. has been conducted in this case. The petitioner has no concern with the alleged motorcycle. The petitioner has altogether eight criminal antecedents out of which he is on bail in four of the cases as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 18.02.2023. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused Kundan Kunwar @ Kundan Kumar and Chandan Kumar have been granted bail by a Co-ordinate Bench of this Court vide common order dated 18.09.2023 passed in Cr. Misc. Nos. 43460 of 2023 and 46172 of 2023 respectively. He further submits that co-accused Suryadeep Pathak @ Surya Pathak @ Suraj Pathak @ Deva has also been granted bail by a Co-ordinate Bench of this Court vide order dated 01.11.2023 passed in Cr. Misc. No. 39432 of 2023.



6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the co-accused Kundan Kumar in his confessional statement has specifically confessed the complicity of the petitioner in the alleged crime. He has further stated the the petitioner has also confessed his guilt in the alleged crime and on the disclosures of the petitioner, the looted motorcycle of the deceased was recovered and thus, the involvement of the petitioner cannot be denied in this case.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the claim for bail being based on parity, let the petitioner, abovenamed, be released on bail after framing of charge, if not already framed, 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 Begusarai Town P.S. Case No. 64 of 2023.

(Rudra Prakash Mishra, J)

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