

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59601 of 2024

Arising Out of PS. Case No.-59 Year-2019 Thana- BARHIYA District- Lakhisarai

Chandan Kumar @ Tittu Dhamaka @ Titu Dhamaka S/o- Baban singh
Village- Jaitpur, Ps- Barahiya Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with Barahiya P.S. Case No. 59 of 2019 registered for the offence under Sections 302, 201, 120(b) and 34 of the Indian Penal Code and under Section 27 of the Indian Arms Act.

3. The petitioner is not named in the F.I.R. and is in custody since 17.05.2024.

4. The allegation against the petitioner is to commit murder of younger brother of the informant, along with other co-accused persons, due to previous enmities.

5. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced



in the present case on the basis of confessional statement of co-accused, namely, Murari Kumar @ Raja Kumar, where in furtherance thereof, no incriminating material recovered/surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/murder. It is submitted that at the time of occurrence, petitioner was in judicial custody. It is also submitted that the petitioner was remanded in this case from Birupur P.S. Case No. 17 of 2023. It is further submitted that similarly situated co-accused Gaurav Kumar @ Gaurav Singh has already been granted bail by this Court through Cr. Misc. No. 10541 of 2022 dated 28.11.2022 therefore on the ground of parity this petitioner also deserves bail. While concluding the argument, it is submitted that petitioner is found involved in 12 more criminal cases where in maximum of the case his name surfaced on the basis of confessional statement as of the present case having no evidentiary value under law, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is



no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view the aforesaid facts and circumstances as mentioned above, as save and except confessional statement no incriminating material appears *prima-facie* as to connect petitioner with present occurrence of murder, coupled with the fact that investigation of this case is completed, where petitioner is in custody since 17.05.2024, accordingly, petitioner above named, be released on bail in connection with Barahiya P.S. Case No. 59 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C./ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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