

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64228 of 2024

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

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Karan Kumar S/o Late Krishna Mandal R/o vill - New Vikram Shila Colony,
P.S. - Ishakchak, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Atul Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 13-12-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 120(B) of the
Indian Penal Code and Sections 25(1-b)a, 26 and 27 of the Arms
Act.
3. Learned counsel appearing on behalf of the
petitioner at the outset submits that there is no mechanism in
any law to compensate the period of incarceration of an accused
in judicial custody. It is further submitted that if an accused is
finally acquitted in the case by the learned trial court then how
his period of incarceration be compensated but if he is convicted
the accused will serve the sentence. Thereafter, learned counsel



submits that petitioner is a person with clean antecedent and the informant alleges that on 18.02.2024 at 10:30 p.m. Ambuj Thakur called his son Ajit Rai on mobile and asked him to come on which Ajit informed that he is going with Ambuj to the coaching centre of petitioner. Further, on 19.02.2024, at about 03:00 a.m., the police called and informed the informant that Ajit has been shot and is taken to JLNMCH for treatment, 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 Kumar (petitioner).

4. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that Ambuj called his son (deceased) for coming to the coaching centre of petitioner at 10:30 p.m. in the night and the deceased without any objection accompanied Ambuj as such there was no apprehension lurking in the mind of the deceased that any untoward incident will take place. It is further submitted that during the course of investigation, statement of one Gold Yadav was recorded who disclosed before the police that at about 02:00 a.m. when he was going home from the coaching when he heard a sound of firing and saw Ambuj and Ranjan fleeing and later came to know that



Ajit has been shot. Learned counsel submits that no doubt Gold Yadav is an independent witness but then he does not name the petitioner and his credibility as a witness shall be tested in the trial because it does not appear probable that at 02:00 a.m. in the morning Gold Yadav would have been present near the place of occurrence. It is next submitted that petitioner was apprehended from his coaching centre and he has confessed about his participation in the occurrence but then submits that confessional statement in police custody does not have any evidentiary value in the eye of law. It is also submitted that if petitioner had any intention of getting the occurrence committed in that event the petitioner would not have permitted the occurrence to be committed in his coaching centre as no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is submitted that charges have been framed and trial has commenced and out of eight prosecution witnesses, two prosecution witnesses have been examined and the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposed the prayer for



regular bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the entire allegation hinges around suspicion, no one is eyewitness to the occurrence. Gold Yadav has not named the petitioner and the confession of petitioner in police custody does not have any evidentiary value in the eye of law.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kotwali (Tilkamanjhi) P.S. Case No. 141 of 2024.

7. However, if the learned trial court comes to a conclusion that petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall forthwith cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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