

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65561 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- LAXMIPUR District- Jamui

Chhotu Kumar @ Gulshan Kumar son of Ramanuj Singh @ Ramanuj Kumar
Village-Pawai,P.S-Surajgarha, Dist-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2024 Heard Mr. Binay Kumar, learned counsel for the

petitioner and Mr. Kumar Ranjit Ranjan, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
13.05.2024 in connection with Laxmipur (Gidhaur) P.S. Case
No. 137 of 2023, FIR dated 29.03.2023 for the offences
punishable under Sections 302, 201 and 34 of the Indian Penal
Code.

3. Petitioner and other co-accused persons under
conspiracy have committed the murder of the deceased.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the FIR, the name of the petitioner has



been transpired during the investigation on the basis of the confessional statement of the co-accused person, namely, Ajmer Bhushan which was recorded in paragraph no.25 of the case diary and thereafter the statement of some of the co-accused persons have also been recorded in which they have also stated that the petitioner was involved in the present crime in question and apart from aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the other accused person, namely, Ajmer Bhushan, who has confessed the name of the petitioner has been granted bail by a coordinate Bench of this Court vide order dated 06.11.2023 passed in Cr. Misc. No. 70404 of 2023 and another co-accused person, namely, Chandan Chaudhary @ Pankaj Chaudhary who has also confessed the name of the petitioner has also been granted bail by a coordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No. 39803 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.05.2024.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts, the petitioner having clean antecedent, he is not named in the FIR, his name of has been transpired during the investigation on the basis of the confessional statement of the co-accused persons and the persons, who have confessed the name of the petitioner, have already been granted bail by different co-ordinate Benches of this Court, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui in connection with Laxmipur (Gidhaur) P.S. Case No. 137 of 2023 with the following conditions:-

(i) Petitioner shall co-operate 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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