

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66186 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- WARISLIGANJ District- Nawada

Guddu Kumar @ Guddu Singh, S/o Anil Singh, R/o Village- Daulatpur, P.S.- Warisaliganj, District- Nawada, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 66382 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- WARISLIGANJ District- Nawada

Sudhanshu Kumar @ Lala, S/o Anil Singh, R/o Village- Daulatpur, P.S.- Warisaliganj, District- Nawada, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 66186 of 2024)
For the Petitioner/s : Ms. Richa, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 66382 of 2024)
For the Petitioner/s : Ms. Richa, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Since both the bail applications are arising out of the same police station case and, as such, with the consent of the parties, the same are being heard together and disposed of by this common order.

2. Heard Ms. Richa, learned Advocate for the petitioners and learned APP for the State.



3. The petitioners seek regular bail, who are in custody in connection with Warisaliganj P.S. Case No. 342 of 2023 registered for the offences punishable under Sections 302/34, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

4. Based upon the written report, the informant alleged that his brother was done to death by some unknown miscreants by hitting on his head and chest.

5. Learned Advocate for the petitioners contended that the occurrence took place on 11.07.2023 and the F.I.R. has been instituted on 12.07.2023 against 3-4 unknown motorcycle riders. During the course of investigation, the name of the petitioners surfaced on the confessional statement of co-accused Rahul Kumar. On the alleged date of occurrence, the petitioner of Cr. Misc. No. 66186 of 2024 was in judicial custody in connection with Sri Krishnapuri P.S. Case No. 422 of 2022. It is next contended that during the course of investigation, it has come that the petitioners have conspired with other co-accused persons to kill the deceased and save and except the allegation of conspiracy, there is no material against the petitioners. It has also come that co-accused Rahul Kumar was in touch of the petitioners with Whatsapp chat and call, but the same is



unfounded and baseless for the simple reason that no such mobile has been recovered from the possession of the petitioners and this allegation falls to the ground on the simple ground that the petitioner (Guddu Kumar) was behind the bar at that point of time. Taking note of the aforesaid fact one of the co-accused, namely, Raghunath Singh @ Raghunandan Singh, has been granted bail in Cr. Misc. No. 48711 of 2024 vide order dated 11.09.2024. It is also the contention of the petitioners that co-accused Rahul Kumar, on whose confession the name of the petitioners have surfaced, has also been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 65373 of 2023 vide order dated 01.12.2023. Now the petitioners have been incarcerated since 21.09.2023 and 29.01.2024 respectively.

6. On the other hand, learned APP for the State vehemently opposes the bail applications and submits that the call details report and the confession of co-accused suggests the involvement of the petitioners, apart from the fact that petitioner Guddu Kumar @ Guddu Singh bears four criminal antecedent whereas the petitioner Sudhanshu Kumar @ Lala bears one criminal antecedent and thus they appear to be habitual offenders.

7. Regard being had to the submissions made on



behalf of the parties and considering the fact that the entire case is based on circumstantial evidence and now the investigation of the crime is complete and charge-sheet has been submitted, coupled with the fact that co-accused person, on whose confession, the name of the petitioners have transpired, has already been allowed the privilege of regular bail, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Nawada in connection with Warisaliganj P.S. Case No. 342 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.



(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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