

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66721 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

Prince Kumar Son of Ashok Ray Resident of village- Jitwarpur Farpura,
Police station- Samastipur Mufassil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra
For the Opposite Party/s : Mr.Binod Kumar

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard the parties.

2. This is an application for grant of bail to the petitioner, who is in custody in in connection with Samastipur Muffasil P.S. Case No. 109 of 2024 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

3. Based on the written report, the prosecution alleges that the informant and his family members have had a dispute with co-villager Laxman Rai and on many occasions, he had given threat to kill his family. It is further alleged that the co-accused Laxman Rai had been in custody in previous case of murder and loot and recently about 1 ½ month, he came out of jail. Both the co-accused Laxman Rai and Ritesh Kumar had



demanded a tractor from his father and upon refusal, the named accused persons came on the house of the informant and shot his father dead.

4. Learned Advocate for the petitioner contended that the F.I.R. has been instituted against co-accused Laxman Rai and Ritesh Kumar and later on during the course of investigation, the name of the petitioner has sprung up on the confessional statement of co-accused Sumit Kumar @ Mahakal who made self confession before the police admitting his complicity in the crime with the petitioner, which is hit by Sections 25/26 of the Indian Evidence Act; is the contention of the learned Advocate for the petitioner. It is further contended that other co-accused person, against whom there is material that he has transferred money to Sumit Kumar @ Mahakal for causing death of the deceased, has been allowed the privilege of regular bail by this Court vide order dated 07.08.2024 passed in Cr. Misc. No. 53017 of 2024. Another co-accused person, whose name has also transpired in the confessional statement of co-accused person has also been allowed the regular bail in Cr. Misc. No. 54213 of 2024 vide order dated 11.09.2024. It is lastly contended that prior to institution of the present FIR, the petitioner has had absolutely clean antecedent; however during



the course of investigation the name of the petitioner has been implicated in another criminal case bearing Samastipur Mufassil P.S. Case No. 167 of 2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has actively participated in the crime and the materials collected during the course of investigation pointing his complicity.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioner is based upon the confessional statement and there is no other cogent material, coupled with the fact that co-accused persons, against whom there is allegation of advancing money to co-accused Sumit Kumar @ Mahakal, have been allowed the privilege of regular bail and now the investigation of the case is complete and the charge sheet has been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur Mufassil P.S. Case No. 109 of 2024, subject to the condition that one of the bailors



shall be the own/close family members of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

