

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70239 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- BARGAINIA District- Sitamarhi

Satyam Kumar S/O Mr. Vinod kumar singh R/O Village- Adamwan, P.S-
Bairgania, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bairgania P.S. Case No. 144 of 2023,
registered for the offence punishable under Section 302/34 of
the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that on 03.06.2023 at about 10:00 PM, the informant
received a telephonic information that his brother was lying in
injured condition. On the aforesaid information, the informant
rushed to the place of occurrence, but found him dead. It has
been found that the deceased was done to death by firearm
injury on the back of his head.

4. Learned Advocate for the petitioner contended that



though the occurrence took place on 03.06.2023, but the FIR has been instituted on 06.06.2023, against unknown miscreants. During the course of investigation, one *Dhiraj Kumar* was apprehended in connection with Bairgania P.S. Case No. 152 of 2023 and the name of the petitioner has sprung up on the confessional statement of co-accused *Dhiraj Kumar*. Even in the confessional statement, the petitioner is said to be one of the accomplice and *Dhiraj Kumar* was the person, who gave fatal injury. It is next contended that on the basis of the aforesaid confessional statement, the petitioner was apprehended and he has been remanded in two other criminal cases, as has been narrated in paragraph no. 3 of the bail application.

5. Learned Advocate for the petitioner drawing the attention of this Court to the impugned order also apprised this Court that subsequent to the confessional statement of co-accused *Dhiraj Kumar*, the statement of two of the witnesses have also been recorded, who have also said that the petitioner and others were fleeing from the place of occurrence on a motorcycle. Save and except the aforenoted material, there is no other cogent material, suggesting the complicity of the petitioner in the crime. It is next contended that there is no eyewitness to the alleged occurrence and the entire case is based upon the confessional statement of co-accused person. The



petitioner has been incarcerated since 03.08.2023 and now the investigation of the crime is complete and the charge-sheet has been submitted. It is lastly contended that prior to the institution of this case, the petitioner bears clean antecedent.

6. 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, as is evident from the confessional statement of co-accused *Dhiraj Kumar*. The witnesses have identified the petitioner and others, who were fleeing from the place of occurrence.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the case against the petitioner is based upon confessional statement and there is no eyewitness to the alleged occurrence on the point of causing death of the deceased, coupled with the period of custody and the fact that prior to the institution of this case, the petitioner had clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 144 of 2023, subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. 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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