

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68120 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- BIRUPUR District- Lakhisarai

Chandan Kumar @ Titu Dhamaka S/O Baban Singh Resident Of Village-
Jaitpur, P.S. Barhiya, District-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-01-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 147, 148, 149, 302, 307, 326, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the petitioner and the co-accused persons are alleged to have surrounded the informant and his family members and started firing on them indiscriminately. In the meantime, the co-accused Prince, Amit and Manish started firing due to that one Shravan Kumar died on the spot whereas the



informant, his cousin brother Anshu and Anand Mohan sustained firearm injuries.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and his name subsequently sprang up on the confessional statement of co-accused Gaurav and Manish Kumar which has no evidentiary value in the eye of law. During investigation, no consistent material evidence was collected against the petitioner. The petitioner is languishing in custody since 13.04.2023. Moreover, other similarly situated co-accused person has been granted bail by a coordinate Bench of this Court vide order dated 17.08.2023 passed in Cr. Misc. No. 51037 of 2023.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period



under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Lakhisarai in connection with Birupur P.S. Case No. 17 of 2023.

(Sunil Kumar Panwar, J)

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