

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4587 of 2023

Arising Out of PS. Case No.-359 Year-2022 Thana- AGAMKUAN District- Patna

SHIVA KUMAR @ GOLU KUMAR @ SHIVAM KUMAR S/O LATE
RAMU MANJHI RESIDENT OF JANTA FLAT MUSAHARI,
BAHADURPUR HOUSING COLONY, PS. AGAMKUAN, DIST. PATNA
... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. BABY DEVI W/O SONU PASWAN RESIDENT OF BHOOTNATH ROAD
HOUSING COLONY, M.I.G., SECTOR-3 BLOCK-10, FLAT NO. 428, PS.
AGAMKUAN, DIST. PATNA
... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aryan Singh,Adv
For the Respondent/s : Mr.Usha Kumari 1,APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

10 26-11-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. This revision has been filed being aggrieved with the order dated 19.08.2023 passed by the learned Exclusive Special Judge SC/ST Act, Patna in Serial No. 160 of 2022 arising out of Agamkuan P.S. Case No. 359 of 2022 registered for the offence punishable under Sections 302/ 12(b)/ 34 of the Indian Penal Code and Section 3(2)(va) of SC/ST Act, and section 27 of the Arms Act, whereby and whereunder the learned Special Judge rejected the prayer of bail of the applicant-petitioner herein.

3. According to the case of prosecution one Suraj



Kumar, the son of the informant was found dead near the Janta Flat Mushari. The matter was reported by the informant Baby Devi alleging therein that the present applicant along with three other accused persons had taken the deceased with them and latter on committed his murdered. On the basis of said report, the case has been registered and during the course of investigation, the petitioner was taken in custody on 26.12.2022. Thereafter, the applicant preferred an application for the grant of bail before the learned Special Judge which has been rejected vide impugned order. Hence, this petition has been preferred.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to some rivalry. He further submits that there is no any direct evidence available against the petitioner to implicate him for alleged offence. He has been implicated only on the confessional statement of co-accused Priyanshu Kumar who has already been granted benefit of bail by this Cour vide order dated 01.08.2024 passed in Criminal Revision No. 433/2023. The present applicant has no any



criminal antecedent and social investigation report does not suggest any contrary to the petitioner. He is in observation home since 26.12.2022. Therefore, it is prayed by the learned counsel for the petitioner that the petitioner may be granted the benefit of bail.

5. Learned counsel for the State opposes the argument raised by the counsel for the petitioner.

6. Considering the above submissions made by both the counsels and further considering the fact that there is no direct evidence available against the petitioner, having no criminal antecedent and the main accused i.e. Priyanshu Kumar has already granted bail by this Court earlier. I am of the view that the present application is also granted benefit of bail.

7. Accordingly, the petition is allowed.

8. Let the petitioner above named be released on bail on his furnishing bail bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna in connection with Agamkuan P.S. Case No. 359 of 2022, subject to the following conditions.



(i) That one of the bailors should be the father of the petitioner, and

(ii) That the father of the petitioner shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the petitioner on bail, he will take proper care of the petitioner and will not allow him to fall into bad company.

(Arvind Singh Chandel , J)

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