

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7941 of 2025

Arising Out of PS. Case No.-785 Year-2024 Thana- PHULWARISHARIF District- Patna

Chhotu Kumar, Son of Sideshwar Singh @ Sudeshwar Saw @ Sudeshvara
Sav, Resident of Village- Chitnawan, P.S. - Maner, District- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 13-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 785 of 2024 dated 05.06.2024
instituted for the offence punishable under Sections 406, 420,
120(B), 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The prosecution case, in short, is that co-accused
Sanoj Kumar under conspiracy with co-accused Suraj Kumar,
killed the son of the informant by calling him from his house.
The main reason behind this killing is that the deceased had
given ten lakh rupees to Suraj Kumar, who did not want to
return the said amount.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner further submits that the petitioner is not named in the F.I.R. From perusal of the F.I.R., it is clear that there is no whisper of a word against the petitioner. During investigation, the petitioner was arrested in Gardnibagh P.S. Case No. 282 of 2024 in which arms were recovered from the possession of the petitioner. In that case, the confessional statement of the petitioner was recorded in which he accepted his guilt. Later on, the petitioner was remanded in the present case. Learned counsel for the petitioner further submits that there is no material against the petitioner which connects him with the said occurrence. It is further submitted that allegation against the petitioner is that he was identified in CCTV footage by spy, but the name of the said spy has not been disclosed in the case diary. Lastly, it has been submitted that the petitioner is in custody since 20.06.2024 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner stating that the petitioner has been identified by spy in CCTV footage which has been mentioned in paragraph 55 of the case diary.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIV, Patna in connection with Phulwarisharif P.S. Case No. 785 of 2024, , subject to the following conditions:

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at



liberty to move for cancellation of bail.

(Khatim Reza, J)

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