

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19232 of 2025

Arising Out of PS. Case No.-460 Year-2022 Thana- KOTWA District- East Champaran

Sumit Kumar @ Ravan Son of Ashok Sah Resident of Village- Chatiya Tola
Dhup Sah, P.S.- Malahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 460 of 2022 instituted for the offence under
Sections 147, 148, 149, 341 & 302 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution case in brief is that on 17.11.2022
around 5:30 PM, the informant and her husband Ram Kishore
Singh were returning home from Dumra Chowk. Six accused
persons armed with pistols surrounded them; Subhash Pandey
caught hold of the informant while the others opened fire on her
husband. Informant's husband was taken to Sadar Hospital,
Motihari, where he was declared dead.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18-09-2024. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Ripur Pandey and Nishant Kumar, and the same has no evidentiary value in the eye of law. Learned counsel for the petitioner submits that even as per the confessional statement of co-accused person, there is no specific allegation against the petitioner, rather allegation is general and omnibus in nature. Charge sheet is submitted in this case. Other co-accused has been granted bail by a Co-ordinate Bench of this Court, *vide* order dated 11-09-2024 passed in Cr. Misc. No. 65355 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. As per the postmortem report, deceased sustained several firearm wounds. Other witnesses have also supported the prosecution case.

7. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioner, there being no specific allegation against the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa P.S. Case No. 460 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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