

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73872 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- HATHIDAH District- Patna

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Rishu Kumar son of Dilip Kumar @ Dilip Paswan Village- Manipura, Khanja Road, Ps- Danapur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar Tripathi, Advocate
For the State : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-01-2025 Heard Mr. Rohit Kumar Tripathi, learned counsel

for the petitioner and Mrs. Indu Kumari Srivastava, learned

A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
14.03.2024, in connection with Hathidah P.S. Case No. 27 of
2024, FIR dated 03.03.2024, registered for the offence under
Sections 363 and 365 of the Indian Penal Code and later on
Sections 364 and 396 of the Indian Penal Code was added.

3. As per the prosecution case, when the informant
was talking with her driver on his mobile phone, someone came
and shut the mouth of the driver and took him away along with
the car bearing registration no. BR 01 PP 8776. It is further
alleged that the driver was murdered.

4. Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and he has falsely been implicated in this case. He further submits that initially the petitioner has not been named in the F.I.R. but his name transpired in this case on the basis of the confessional statement of the co-accused person, namely, Golu Kumar @ Amit Kumar and except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence thereafter the petitioner has also confessed his guilt before the police. He further submits that similarly situated co-accused person namely, Sunil Pandit @ Sunil Kumar, whose name has also been transpired on the basis of the confessional statement of the co-accused person, has been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 46866 of 2024 and other co-accused person, namely, Raushan Kumar has also been granted bail by this Court vide order dated 25.10.2024 passed in Cr. Misc. No. 76637 of 2024. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.03.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts that the petitioner having clean antecedent and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Golu Kumar @ Amit Kumar and similarly situated co-accused persons have been granted bail by this Court, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Succ. District and Sessions Judge-II, Barh (Patna) in connection with Hathidah P.S. Case No. 27 of 2024 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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