

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89119 of 2024

Arising Out of PS. Case No.-419 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Birbal Kumar Son of Sukhdeo Mahto Resident of Village- Alampur Simiri,
Ward No. 13, P.S.- Vidyapatinagar, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 21-04-2025 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail in connection with
Dalsinghsarai P.S. Case No. 419 of 2023 under Sections 302/34
of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the allegation in the FIR, the father of the
informant was sitting at his poultry farm and two persons
arrived there on motorcycle and shot upon the father of the
informant and he has sustained three fire arm injuries and
thereafter the said accused persons fled.

4. The learned counsel for the petitioner submits that the
petitioner is innocent and he is not named in the FIR. The
petitioner's name surfaced in the confessional statement of one
Gopal Kumar Chaudhary and there is no recovery made on
behalf of the petitioner. The learned counsel further submits that



there is no eye-witness to the occurrence and except the confessional statement and the criminal antecedent which the petitioner carries there is nothing to connect the petitioner with the present case. It has been submitted by the learned counsel for the petitioner that the co-accused Gopal Kumar Chaudhary on whose confession the name of the petitioner had surfaced has been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 29.11.2024 passed in Cr. Misc. No. 65490 of 2024 and the other co-accused namely, Vikram Paswan has been granted bail vide order dated 23.09.2024 passed in Cr. Misc. No. 50907 of 2024. Lastly, it has been submitted that petitioner is in custody since 15.02.2024.

5. The learned APP for the State has opposed the prayer for bail and has stated that the petitioner carries criminal antecedent which speaks for itself and persons like the petitioner should not be released on bail.

6. Considering the above mentioned facts and circumstances and taking into account that the similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Hon'ble Court as also the fact that the petitioner is in custody since 15.02.2024 and there being no eye-witness to the incident, let the petitioner be released on bail furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st, Dalsinghsarai District- Samastipur in connection with Dalsinghsarai P.S. Case No. 419 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the Trial.

(iii) In case of absence of two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Sourendra Pandey, J)

Raj Ranjan/-

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