

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89169 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- ALAMGANJ District- Patna

Sipahi Kumar, S/o- Sri Deepak Kumar, Village- City court Belwarganj PS-
Alamganj Dist- Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Abhimanyu Deo, Adv.
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in
connection with Alamganj P.S. Case No. 101 of 2024 registered
for the offence punishable under Sections 120B & 34 of the
Indian Penal Code.

3. In course of patrolling, the police found a dead body
lying in the back side at Giriraj Marriage Hall near Belwarganj. On
verification, it transpired that the deceased was done to death by
throttling and in order to screen off the offence, the dead body was
thrown behind the marriage hall.

4. Learned Advocate for the petitioner adverting to the
narrations made in the FIR submitted that the FIR has been
instituted against unknown miscreants. During the course of
investigation on suspicion co-accused Sukkhu Kumar @ Gopal
was apprehended by the police. The name of the petitioner has

been surfaced on the confessional statement of the co-accused Sukkhu Kumar @ Gopal. Barring confessional statement, there is no material suggesting the complicity of the petitioner in the crime. It is further contended that co-accused Sukkhu Kumar on whose confession the name of the petitioner surfaced; as well as other co-accused persons who were also implicated in this case and have been allowed the privilege of bail by this Court. The copy of an order of this Court passed in Cr. Misc. No. 57024 of 2024 dated 27.09.2024 in relation to co-accused Sukkhu Kumar @ Gopal has been placed on record. It is lastly contended that now the petitioner has been incarcerated since 10.02.2024 having no criminal antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioner is based only on the confessional statement, coupled with the fact that the other co-accused persons have been allowed the privilege of regular bail by this Court and the period of custody of the petitioner, of more than one year, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate in connection with Alamganj P.S. Case

No. 101 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J.)

Jyoti Kumari/-

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