

**(2021) 03 PAT CK 0056**

**In the Patna High Court**

**Case No :** Criminal Miscellaneous No. 37595 Of 2020

Raja Kumar And Anr

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision :** 05-03-2021

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 302, 392, 399, 402  
Arms Act, 1959 — Section 25(1B)(a), 26, 27, 35

**Citation :** (2021) 03 PAT CK 0056

**Hon'ble Judges :** Ahsanuddin Amanullah, J

**Bench :** Single Bench

**Advocate :** Vijay Kumar Srivastva, Jharkhandi Upadhyay

**Final Decision :** Disposed Of

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## **Judgement**

1. Heard Mr. Vijay Kumar Srivastava, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor

(hereinafter referred to as the "APP" for the State.

2. The petitioners are in custody in connection with Bheldi PS Case No. 30 of 2020 dated 03.02.2020, instituted under Sections 302/392/34 of the

Indian Penal Code and 27 of the Arms Act, 1959.

3. The petitioners, though not named in the FIR, are alleged to be the part of a gang which had looted Rs.5,16,000/- from the brother of the informant

and also shot him leading to his death.

4. Learned counsel for the petitioners submitted that they were arrested in Bheldi PS Case No. 37 of 2020 which was instituted under Sections

399/402 of the Indian Penal Code and 25(1-B)(a)/26/35 of the Arms Act, 1959 and from the said case, they were remanded in the present case. It

was submitted that the petitioners were arrested on the basis of confessional statement of other three co-accused and the petitioners also confessed

before the police, which has no evidentiary value. It was further submitted that even as per the confessional statements, the role of the petitioners was

only of doing recce but no overt act, either in snatching of money or of firing on the deceased, is attributed to them. Learned counsel submitted that

the petitioners are in custody in the present case since 06.03.2020.

5. Learned APP submitted that the petitioners and other co-accused have confessed and they being part of a gang, are fully responsible for the incident.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail

upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned

XIIIth Additional Sessions Judge, Saran at Chapra in Sessions Trial No. 180 of 2020 arising out of Bheldi PS Case No. 30 of 2020, subject to the

conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to

good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any

illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms

and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present

before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to

cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner(s).

8. The application stands disposed off in the aforementioned terms.