

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30375 of 2020

Arising Out of PS. Case No.-24 Year-2019 Thana- TARIYANI CHAPRA PS District-
Sheohar

Shivam Kumar S/O- Shyambabu Choudhary Resident of Village - Chandoli,
P.S. - Belsand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Opposite Party/s : Mr. Vinod Kumar-II, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2020 Heard Mr. Harendra Prasad, learned counsel
for the petitioner and Mr. Vinod Kumar-II, learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Tariyani Chhapra P.S. Case No. 24 of 2019 dated 07.06.2019 instituted for the offences under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

It has been alleged in the FIR that three persons who had fully covered their faces started firing at the deceased and Madhu Gupta as a result of which the deceased who is the brother of the informant died.

Learned counsel for the petitioner has submitted that the in the FIR, the assessment of the informant about the age of the accused persons is stated



to be between 30-35 years.

The petitioner has been made accused in this case on the basis of confession made by one Wahid Ali @ Chaman.

Apart from the confession of the arrested accused person, there is no other material to connect the petitioner with the offence. In fact, the petitioner is a student of Intermediate and he has been named by aforesaid Wahid Ali @ Chaman only because the father of the petitioner had earlier filed a case against him.

Apart from this, it has been submitted that two other accused persons of this case viz. Gunjan Jha @ Chunnu and Wahid Ali @ Chaman on whose statement, the petitioner is sought to be prosecuted in this case have been granted bail by the court below.

Considering all these facts in totality and taking into account that the implication of the petitioner is only on the basis of confession of an arrested accused person, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of ten weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sheohar



in connection with Tariyani Chhapra P.S. Case No. 24 of
2019, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

