

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30159 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- SITAMARHI District- Sitamarhi

Saroj Rai @ Saroj Kumar Rai @ Saroj Kumar Ray S/o Devendra Yadav
Resident of Village- Basaha, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 12-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sitamarhi P.S. Case No. 242 of 2020, registered for the offence under Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 09.05.2020 at 7:00 PM, one unknown miscreant fired upon the informant and his friend Laliteshwar Kumar, as a result of which, both of them received fire-arm injury.

It is submitted on behalf of petitioner that petitioner is not named in the F.I.R. Name of the petitioner has surfaced in this case on the basis of his self-confessional statement recorded in some other case, which has got no evidentiary value in the



eye of law. Petitioner is co-villager of informant and *pattidar* of informant's friend (Laliteshwar Kumar) and due to enmity, he has been falsely implicated in this case. Save & except confessional statement, there is no other cogent material against this petitioner to connect him with the aforesaid crime. Petitioner has been remanded in this case on 22.10.2020. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. 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 A.C.J.M. - VI, Sitamarhi in connection with Sitamarhi P.S. Case No. 242 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) 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.”

(Prabhat Kumar Singh, J.)

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