

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34704 of 2020**

Arising Out of PS. Case No.-297 Year-2020 Thana- SAHARSA District- Saharsa

=====

NARESH KUMAR Son of Rabindra Yadav @ Ravindra Yadav Resident of  
Village - Birjain, P.S. - Nauhatta, District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Nityanand, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      15-03-2021                      The matter has been listed at the instance of the  
  
petitioner under the heading ‘To Be Mentioned’.

It has been pointed out on behalf of the petitioner that  
  
vide order at Sl. No. 3 dated 03.03.2021, the petitioner Naresh  
  
Kumar was granted regular bail but inadvertently, the following  
  
order was recorded:

“Heard learned counsel for the petitioner and  
learned APP for the State.

Learned counsel for the petitioner is directed  
to remove the defects, as pointed out by the Office,  
within a period of four weeks.

The petitioner is apprehending his arrest in a  
case registered under Sections 307 and 324 of the Indian  
Penal Code.

The prosecution allegation, in short, is that the  
accused persons fired at the informant from back and  
fled away on motorcycle.

It has been submitted on behalf of the  
petitioner that there is no allegation of tampering of



witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of confession of co-accused. Except for suspicion, there is no other substantive evidence to suggest his implication in the present case. There is no recovery of any incriminatory articles from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 297 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.”

From perusal of the record, it appears that the learned counsel for the petitioner is correct in his submission.

The order dated 03.03.2021 is corrected to be read as follows:

“Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the Office, within a period of four weeks.



The petitioner seeks bail in a case instituted for the offences under Sections 307 and 324 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons fired at the informant from back and fled away on motorcycle.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.05.2020. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of confession of co-accused. Except for suspicion, there is no other substantive evidence to suggest his implication in the present case. There is no recovery of any incriminatory articles from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Saharsa in connection with  
Saharsa Sadar P.S. Case No. 297 of 2020.”

The order dated 03.03.2021 is modified/clarified to  
the extent indicated above.

**(Sudhir Singh, J)**

Pankaj/-

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