

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2998 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- MEHANDIA District- Jehanabad

Vivek Raj @ Bhanu Son of Manoj Sharma Resident of Village- Sohsha,
Police Station- Mehandia, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mehandia
P.S. Case No. 120 of 2021 registered for the offence under
Sections 302/34/201 of the I.P.C. and under Section 27 of Arms
Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 13.09.2021.

The allegation against the petitioner is to commit
murder of the son of the informant along with other co-accused
persons for previous enmities founded over local issues.

Learned Senior counsel, Mr. Ramakanth Sharma,



appearing on behalf of the petitioner submitted that petitioner is not named in F.I.R. and his name surfaced on the basis of confessional statement of named co-accused, namely, Abhinash Kumar. It is further submitted that no incriminating material surfaced/recovered during the course of investigation which may connect the petitioner, *prima facie*, with present set of allegation. It is further submitted that alleged CCTV footage is also not appeared incriminating this petitioner with present allegation, and also as per para-56 of the case diary, it appears that petitioner was not even aware about the conspiracy as conspired by other co-accused persons. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during the course of investigation to connect the petitioner with present allegation, where informant is not the eye witness of the occurrence coupled with the fact that charge-sheet has been submitted, let



the petitioner, above named, is directed to be released on bail in connection with Mehandia P.S. Case No. 120 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Arwal, Jehanabad/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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