

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3384 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- SONBERSA District- Sitamarhi

BRAJESH KUMAR Son of Vishwanath Mahto Resident of Village - Bela Bhutahi, P.S. - Sonebarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate Smt. Divya Bharti, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 27.06.2021, has antecedent of one case and charge-sheet has been submitted in the case.

The informant alleges that her husband during the lock-down came to his village and developed friendship with one Anil Kumar and used to drink, eat and enjoy in his company. It is further alleges that on 20.06.2021 the said Anil Kumar took her husband for feast at village Inderwa to the house of Kiran Devi, his relative and after the feast took her husband to Bela Parsa NH 77 on pretext of taking bus ticket, where, three motorcycle borne criminals came and



fired indiscriminately killing the deceased. It is further alleged that the named accused persons including 6 criminals killed her husband.

Learned counsel submits petitioner is not named in the FIR, neither the informant is an eyewitness to the occurrence nor the FIR even remotely discloses that on what basis the informant alleges that named accused persons along with 6 unknown accused persons committed the occurrence. It is further submitted that that during the investigation Anil Kumar was arrested, who disclosed the name of the petitioner as having participated in the occurrence and further submitted that confessional statement of an accused in police custody does not have any evidentiary value.

The learned counsel for the petitioner submits that Anil Kumar in whose confessional statement, the name of this petitioner transpired and has granted bail vide order dated 09.03.2022 in Cr. Misc. No. 59039 of 2021, and as such, it is submitted that case of the petitioner is on much better footing.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and his name transpired in the confessional statement of the said co-accused and said co-accused has been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/successor court in connection with Sessions Trial No. 271 of 2021 (arising out of Sonebarsa P.S. Case No. 167 of 2021)

(Satyavrat Verma, J)

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