

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3309 of 2022

Arising Out of PS. Case No.-476 Year-2020 Thana- SAUR BAZAR District- Saharsa

Sanjay Sah, Son of Narayan Sah, Resident of Village – Patouri, Ward No. 09,
P.S.-Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shilpi Keshri, Advocate.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Sour Bazaar P.S. Case No. 476 of 2020 for the offence
punishable under Sections 302 and 201/34 of the Indian Penal
Code.

The prosecution story, in brief, is that a dead body
was found hidden in a pit in a bamboo clump in village
Dhabauli West of District Saharsa and on the basis of the
information given by the chaukidar of the village, an F.I.R. was
lodged against unknown.



Learned counsel appearing on behalf of the petitioner submits that the F.I.R. is against unknown. The petitioner has been made accused in the present case on the basis of the confessional statement of one co-accused Dipak Kumar in the police custody and thereafter the petitioner was also forced to give statement before the police for alleged commission of offence along with other co-accused. It is further submitted that the petitioner is innocent and similarly situated one co-accused Mithilesh Chourasia who is the brother of the deceased has already been released on bail against whom also similar allegation has been made on the basis of confessional statement of co-accused Dipak Kumar. Charge sheet has already been submitted. The petitioner is in custody since 25.06.2021 having clean antecedent. On these grounds, the petitioner seeks to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the case of the petitioner is quite distinguishable with that of co-accused Dipak Kumar who has already been released on bail and declared juvenile by the Juvenile Justice Board. So far as co-accused Mithilesh Chourasiya is concerned, there is strong suspicion that all the accused persons whose names have appeared in course of



investigation have committed murder.

Having heard the rival submissions of the parties and also taking into account the fact that the F.I.R. is against unknown lodged on the basis of the information given by the chaukidar of the village, the dead body has not been identified till date, the petitioner has been made accused on the basis of the confessional statement of co-accused Dipak Kumar who has already been declared juvenile and another similarly situated co-accused Mithilesh Chourasiya who is the brother of the deceased was having land dispute has already been released on bail. Law is well settled that the confessional statement made in police custody has no evidentiary value. Petitioner is in custody since 25.06.2021. The trial is also not likely to be concluded soon. It appears that the petitioner has prime facie made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional and District Sessions Judge-V, Saharsa in connection with Sour Bazaar P.S. Case No. 476 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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