

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8651 of 2022**

Arising Out of PS. Case No.-59 Year-2021 Thana- SISWAN District- Siwan

Dayal Sharan Singh Son of Late Laxman Singh Resident of Village- Gabhirar,
Police Station- Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 07-06-2022 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 two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with S. Tr. No.
257 of 2021 arising out of Siswan P.S. Case No. 59 of 2021
registered for the offence under Sections 302 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 07.03.2021.

As per the prosecution case, some unknown persons
committed murder of the informant's husband.

Learned counsel appearing on behalf of the petitioner
submitted that nothing incriminating has been recovered from



the physical possession of the petitioner. It is further submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Amit Yadav. It is further submitted that petitioner is a man of clean antecedent, and occurrence is founded over land dispute. Learned counsel further submitted that during course of investigation, nothing surfaced which may connect petitioner to receive money as hired killer in terms of confession of co-accused. While arguing over the matter, it has been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State fairly conceded that accused/petitioner is a man of clean antecedent and no incriminating material has been recovered from the petitioner.

Considering the facts and circumstances as mentioned above as nothing incriminating has been recovered from the possession of the petitioner in furtherance of confessional statement of co-accused coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with S. Tr. No. 257 of 2021 arising out of Siswan P.S. Case No. 59 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 Additional Sessions Judge-VIII, Siwan, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(ii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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