

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9880 of 2022

Arising Out of PS. Case No.-346 Year-2021 Thana- RAMNAGAR District- West Champaran

SHATRUDHAN KUMAR @ SHATRUDHAN SAH Son of Sri Prabhu Sah
Resident of Village - Turaha Toli Ramnagar, P.s.- Ramnagar, Distt.- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2022 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
Ramnagar P.S. Case No. 346 of 2021 registered for the offence
under Sections 302 and 201 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 17.10.2021.

The allegation against the petitioner is to commit
murder of the son of the informant along with other co-accused
persons, due to money related disputes.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Rahul Kumar and also on the basis of self confessional statement, where, it is alleged that the clothes of deceased were recovered on the basis of self confessional statement of the petitioner, which was later on identified by mother of the deceased. In this context, learned counsel for the petitioner submitted that the alleged recovery of clothes was made from open place, which is accessible by general public and moreover, it was not identified, as per prescribed norms for identification of such recovered material, creating a doubt over entire recovery. It is further submitted that the entire implication is based upon suspicion, as deceased and petitioners along with other co-accused persons were local friends, they usually spent their time collectively, where, the maximum allegation as surfaced, during course of investigation is of the 'last seen'. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned



above, as recovered clothes were made from open place, which is accessible by general public, which was not put on identification as per prescribed norms of TIP coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ramnagar P.S. Case No. 346 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 ACJM 1st Bagaha, West Champaran/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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