

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10541 of 2022

Arising Out of PS. Case No.-59 Year-2019 Thana- BARHIYA District- Lakhisarai

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Gaurav Kumar @ Gaurav Singh S/O Shyamli Singh r/o village- rampur
dumra, p.s.- Maranchi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Moleshwar, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-11-2022 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 Barahiya
P.S. Case No. 59 of 2019 registered for the offence under
Sections 302, 201, 120(b) and 34 of the Indian Penal Code and
under Section 27 of the Indian Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 20.09.2021.

The allegation against the petitioner is to commit
murder of younger brother of the informant, along with other
co-accused persons, due to previous enmities.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced in the present case on the basis of confessional statement of co-accused, where in furtherance thereof, no incriminating material recovered/surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/murder. It is submitted that at the time of occurrence, petitioner was in judicial custody in connection with Athmalgola P.S. Case No. 219 of 2017, where now he is acquitted and while he was in custody, one altercation took place with deceased, Gaurav Kumar Singh, and merely on the basis of said suspicion, petitioner has been implicated falsely in the present case. It is also submitted that similarly situated co-accused person namely, Srikant Singh, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 49681 of 2019 vide order dated 08.01.2020. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, as he has already acquitted in Ahmalgola P.S. Case No. 219 of 2017 and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted long back, 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.

In view the facts and circumstances as mentioned above, as no incriminating material surfaced/recovered, during the course of investigation, to connect this petitioner, *prima facie*, with the present set of occurrence/murder, except confessional statement 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 Barahiya P.S. Case No. 59 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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