

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12397 of 2022

Arising Out of PS. Case No.-835 Year-2021 Thana- SASARAM NAGAR District- Rohtas

AMAR KUMAR Son of Ram Prakash Singh Resident of Village- Beda, P.S.-
Sasaram (Muffasil), District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-09-2022 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 Sasaram
Nagar P.S. Case No. 835 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 31.10.2021.

The allegation against the petitioner is to commit
murder of the father of the informant, along with other co-
accused persons, by causing fire arms injury.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye witness of the occurrence, where entire allegation against the petitioner is based upon suspicion, in the background of previous land disputes. It is submitted that name of the petitioner surfaced, during the course of investigation, on the basis of confessional statement of co-accused, namely, Rama Shankar Kumar, where maximum allegation against this petitioner is only to introduce one co-accused with others. It is further submitted nothing incriminating surfaced/recovered, during the course of investigation, which may connect petitioner, prima facie, with present set of occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP dully assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where nothing surfaced, during the course of investigation, to



connect petitioner, *prima facie*, with present set of occurrence, where petitioner is a man of clean antecedent 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 Sasaram Nagar P.S. Case No. 835 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 C.J.M., Rohtas at Sasaram/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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