

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19095 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- EKMA District- Saran

HARI OM SINGH Son of Jai Nath Singh Resident of Village- Tenuwa, Police Station- Gaura, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vipin Kumar Singh
For the Opposite Party/s	:	Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel for the informant, through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Ekma P.S. Case No. 295 of 2021 registered for the offence under Sections 147, 148, 149, 307, 302 and 379 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 13.01.2022.

The allegation against the petitioner is to commit murder of the brother of the informant along with other co-accused



persons for long standing land dispute arises out of ancestral properties.

Learned senior counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and subsequently after 05 days of the occurrence, on the basis of confessional statement of co-accused, namely, Ayush Rai, his name has been surfaced, where in furtherance thereof nothing incriminating surfaced/recovered during course of the investigation, which may connect the petitioner, *prima-facie* with the present set of occurrence. It is also submitted that petitioner is involved in one more case, where, he is on bail. 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 nothing surfaced during course of investigation in furtherance of confessional statement of the co-accused, which may connect this petitioner, *prima-facie*, with the present set of occurrence 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 Ekma P.S. Case No. 295 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 Court below/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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