

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26059 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- KOTWALI District- Munger

Saurav Kumar @ Saurv Sah, Son of Tunni Sah Resident of Village - Gumti
no.2, P.s.- Kotwali, Distt.- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Patel, Advocate
For the Opposite Party/s : Mrs.Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 05-08-2022 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is in custody in connection with
Kotwali (Basudevpur) P.S. Case No. 2 of 2022 under Sections
147, 148, 149 and 302 of the Indian Penal Code and Sections
302 and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

As per the allegation in the FIR , the informant, Kajal
Devi has alleged that accused Karu Kumar shot on the chest of
her husband while Uttam Mishra @ Deepak Mishra fired second
bullet on her husband's head. She has also named Ranjit Yadav,
although no role has been assigned to him. She further alleged
that they jointly were cause for the death of her husband.

Learned counsel for the petitioner submits that a bare



perusal of the FIR shows that specific allegations have been made against Karo Kumar, Uttam Mishra that both of them opened fire causing death of her husband. He further submits that the name of the petitioner has cropped up in course of investigation and any confessional statement made before the police has no value in the eyes of law. It has further been submitted by him that the learned Sessions Judge-1st, Munger has erred in observing that the petitioner is the named accused. He lastly submits that the petitioner is in custody since 4.1.2022 (as stated in para 16 of the bail application).

Taking into account the fact that the two named accused persons namely Karo Kumar and Uttam Mishra had opened fire causing death of the informant's husband, the petitioner's named has cropped in course of the investigation and he is in custody since 4.1.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, in connection with Kotwali (Basudevpur) P.S. Case No. 2 of 2022 subject to the following conditions:

- (i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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