

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31796 of 2022

Arising Out of PS. Case No.-936 Year-2021 Thana- SAHARSA SADAR District- Saharsa

RAJESH KUMAR @ RAJESH KUMAR SAH Son of Amol Sah @ Anmol Sah Resident of Ward No. 06, Kahra, Police Station- Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Petitioner seeks regular bail in a case registered for the offences punishable under Sections 302, 201, 120B/34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation informant's son was murdered by the accused persons named in the FIR after hatching conspiracy with 2/3 unknown persons and victim was murdered by causing firearm injury and accused persons threw dead body of the victim in front of the house of informant.

The main submissions advanced by Sri Satish Kumar Singh, the learned counsel appearing for the petitioner are that against the petitioner there is only one case in addition to the present



case but at the time of present case, there was no criminal antecedent of the petitioner, who is not named in the FIR and his name surfaced in the confessional statement of co-accused Vikas Kumar and Indal Yadav who are named in the FIR except this there is no material to connect the petitioner with the alleged crime. Petitioner has been languishing in jail since 7.1.2021. Further submission is that one co-accessed Jiyaal Hak @ Sam has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 24487 of 2022 and petitioner's case stands on better footing.

Sri Nawal Kishore Prasad, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and mainly taking into account the facts that the petitioner is not named in the FIR and several persons indulged in the alleged murder in which some are known and some are unknown and petitioner has taken the plea that his name surfaced in the confessional statements of co-accused Vikas Kumar and Indal Yadav, in respect of said plea, learned counsel for the petitioner has drawn the attention of the court to the relevant para of the order of the learned court below and also considering the fact that one co-accessed who is named in the FIR has been considered for bail by a coordinate bench of this court, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each



to the satisfaction of the Chief Judicial Magistrate, Saharsa in
Saharsa Sadar P.S Case No. 936 of 2021.

(Shailendra Singh, J)

s.hassan/-

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