

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33392 of 2022**

Arising Out of PS. Case No.-188 Year-2019 Thana- BUDDHACOLONY District- Patna

Shankar Rai @ Shankar Yadav @ Vinay Kumar s/o late chhatu rai r/o- dujara  
chak, p.s.- Buddha Colony, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                    |   |                                 |
|--------------------|---|---------------------------------|
| For the Petitioner | : | Mr. Ghanshyam Tiwary, Advocate  |
| For the State      | : | Mr. Shailendra Kumar Singh, APP |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      20-12-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Buddha  
Colony P.S. Case No.188 of 2019 registered for the offence  
under Section 302 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 01.03.2022.

The allegation against the petitioner is to commit the  
murder of the son of informant alongwith other named co-  
accused persons by causing fire arm injuries, while he was



returning back from Krishna Nagar park.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely Aditya Kumar, in furtherance of which no incriminating material recovered/surfaced during the course of investigation, which may incriminate the petitioner with the present occurrence of murder. It is also pointed out that co-accused Aditya Kumar has already been granted bail by one of the learned Co-ordinate bench of this Court through Cr. Misc. No. 69203 of 2019 vide order dated 18.12.2019. It is further pointed out that despite of having no evidence, petitioner was implicated in this case only due to his criminal antecedent, as he was involved in 10 more cases, where he is on bail and in most of the cases, his name surfaced on the basis of confessional statement, as of the present case. 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 appearing on behalf of the State , opposes the prayer for the bail.

In view of the facts and circumstances as mentioned



above as no connecting evidence surfaced against this petitioner, in furtherance of the confessional statement coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Buddha Colony P.S. Case No.188 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 Sub-Judge-cum-Additional Chief Judicial Magistrate-II, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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