

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34271 of 2022

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

SUSHIL KUMAR S/o Lalan Singh @ Lala Mahto R/o village- Thanua, P.S.-
Shiv Sagar, District- Rohtas, Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

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 Sasaram
Town 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 24.12.2021.

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



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Abhay Kumar @ Golu. It has further been submitted that similarly situated co-accused person has already been granted bail by this Court through Cr. Misc. No. 13816 of 2022 dated 19.07.2022. It is also submitted that nothing incriminating material surfaced/recovered, during course of the investigation, in furtherance of confessional statement, which may connect this petitioner with the present set of occurrence. It is also submitted that petitioner was not put on TIP, as yet. It is also submitted that the petitioner is a man of clean antecedent. 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 incriminating surfaced/recovered during course of the investigation to connect this petitioner, *prima-facie*, with the present set of occurrence, who 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 Town 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., Sasaram/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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