

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51213 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- KHAGARIA District- Khagaria

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Suja Anwar Son Of Md.Anwar R/O Village Jalkaura, P.S- Khagaria
(GANGAUR) Dist- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Khagaria (Gangaur) P.S. Case No. 55 of 2021 registered for the alleged offences under Sections 302, 394, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that one Kishore Chaudhary and 3 to 4 unknown persons under the conspiracy shot dead the husband of the informant. During investigation, the name of the petitioner surfaced as an accused along with other co-accused



persons.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and informant has raised suspicion about co-accused Kishore Chaudhary and other 4 persons. At the instigation of person inimical to the petitioner, the police arrested this petitioner and recorded his confessional statement and due to fear petitioner admitted his guilt. During investigation, informant and his family members were examined and they only raised their suspicion against this petitioner and except for confessional statement, there is no direct or indirect material against this petitioner and confessional statement has got no legal sanctity in the eyes of law. Learned counsel further submits that petitioner is student of B-tech and he is in custody since 24.01.2021

Learned APP for the State opposes the prayer for bail of the petitioner submitting that name of the petitioner came up during investigation on the basis of tower location, this petitioner was apprehended and his confessional statement was recorded and at his instance, a printer looted from the husband of the informant was recovered and this fact has been mentioned in the case diary.

Perused the records.



Having regard to the submissions made hereinabove and considering the fact that the husband of the informant was murdered during robbery and involvement of petitioner came up during investigation and some recovery of looted articles has been made at his instance, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The Trial Court is directed to conclude the trial expeditiously preferably within a year from the date of receipt of this order.

However, if the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

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