

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46851 of 2022

Arising Out of PS. Case No.-223 Year-2020 Thana- SARAIYA District- Muzaffarpur

JOKHAN MATHO S/o Surendrer Mahto Resident of Village- Basantpur Patti,
P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Saraiya
P.S. Case No. 223 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 02.05.2020.

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

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is not named in the FIR and his name



surfaced on the basis of confessional statement of co-accused, namely, Raju Bhagat, who has already been granted bail by a learned co-ordinate Bench of this Court through Cr. Misc. No. 65901 of 2021 dated 28.06.2022. It is also submitted that in furtherance of said confessional statement, no incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence/murder. It is also pointed out by learned counsel for the petitioner that subsequent of this occurrence, petitioner was named in one another case related with firearms, where, he is on bail.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material surfaced/recovered, during course of investigation, in furtherance of confessional statement of co-accused, where, petitioner is in custody since 02.05.2020 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 Saraiya P.S. Case No. 223 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned IXth Additional Sessions Judge,
Muzaffarpur/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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