

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48308 of 2022**

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

Bijay Kumar, Son of Anmol Sah, Resident of Village - Kahara Ward No.06,
P.S.- and Distt.- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes
remove all the defects as pointed out by office within two weeks
from today.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with S. Tr. No. 115 of 2022 arising out of Saharsa
Sadar P.S. Case No. 936 of 2021 registered for the offences
punishable under Sections 302, 201, 120(B), 34 of the Indian
Penal Code and Section 27 of the Arms Act. He is in custody
since 07.12.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, on 05.12.2021, the son of the informant
was murdered by hatching conspiracy by Rajeev Paswan and



Vikas Paswan along with their relatives and other 2-3 unknown criminals. It is alleged that co-accused Indal Yadav, Ranveer Kumar and Suman Sah one by one fired upon the son of the informant and he died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 07.12.2021 having no criminal antecedent.

Learned counsel submits that there is no specific allegation of any overt act against the petitioner. It is submitted that the petitioner is not named in the FIR.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the FIR, the specific allegation of firing fatal shots are against co-accused Indal Yadav, Ranveer Kumar and Suman Sah and it is stated that Vikas Paswan and Rajeev Paswan has conspired the killing and so far as this petitioner is concerned, no role has been assigned to him, he is in custody since 07.12.2021 having no criminal



antecedent, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Saharsa in connection with S.Tr. No. 115 of 2022 arising out of Saharsa Sadar P.S. Case No. 936 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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