

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65273 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- SAHPUR District- Patna

SURAJ KUMAR @ SURYAKANT PANDEY @ SURYAKANT KUMAR @
SURAJ PANDEY @ BABA Son of Chakradhar Pandey Resident of Samasthu
Sthan, Bihta, P.S.- Bihta, District – Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Part/s

Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that his elder brother Pankaj was taken by his friend Roushan Mahto to attend the birthday party. Subsequently, information was received about him having been shot. On reaching the place of occurrence, he was taken to the hospital from where he was referred to the PMCH where he died in course of treatment. It is stated that informant suspects the hand of Roushan Mahto, Karanraj @ Pintu and others in the occurrence.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. FIR named accused



Roushan Mahto and Karanraj @ Pintu both have been enlarged on bail vide order dated 26.3.2021 passed in Cr.Misc. no.33463 of 2020 and order dated 19.10.2020 passed in Cr.Misc. no. 22162 of 2020. Referring to the order of the learned trial Court, learned counsel further submits that so far as the statement recorded in paragraphs 19-20 of the case diary is concerned from bare perusal of the same it would transpire that they are hearsay witness. They are not eye witness to the occurrence. The petitioner has no criminal antecedent and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case and specially the material that has transpired in course of investigation, the Court is inclined to enlarge the petitioner on bail.

The provisional bail granted to the petitioner vide order dated 7.12.2021 in connection with Sahpur P.S. Case no. 37 of 2020 to the satisfaction of the learned Judicial Magistrate 1st Class, Danapur, is hereby confirmed.

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(Partha Sarthy, J)

