

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68932 of 2021**

Arising Out of PS. Case No.-53 Year-2021 Thana- BELA District- Sitamarhi

Raushan Kumar S/o Dorik Das Resident of Village- Dostiya, P.S.- Sonbarsa,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 18-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Bela P.S.
Case No. 53 of 2021 registered for the offence under Sections
302, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.04.2021.

The allegation against the petitioner is to commit
murder of brother of the informant, alongwith other co-accused
persons, by opening indiscriminate firing, due to long standing
land dispute.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in the F.I.R., where informant is the eye witness of the occurrence. It is submitted that name of the petitioner surfaced, during the course of investigation, on the basis of confessional statement of co-accused, namely, Akash Sah, in furtherance thereof, nothing incriminating surfaced/recovered to connect this petitioner, *prima facie*, with the present set of occurrence. It is further submitted that due to criminal antecedent, petitioner has been falsely implicated in the present case, as he was involved in three more criminal cases and in most of the cases, name of the petitioner surfaced on the basis of confessional statement, as of present case. It is pointed out that similarly situated co-accused person has already been granted bail by one of the learned Coordinate Bench of this Court through Cr. Misc. No. 56718 of 2021 dated 04.04.2022. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned



above, as nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner with the present set of occurrence coupled with the fact that chargesheet has already been submitted, where petitioner is in custody since 15.04.2021, let the petitioner, above named, is directed to be released on bail in connection with Bela P.S. Case No. 53 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 Sub Divisional Judicial Magistrate, Sadar, Sitamarhi/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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