

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71374 of 2021**

Arising Out of PS. Case No.-353 Year-2021 Thana- GHORASAHAN District- East
Champaran

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NIRAJ KUMAR S/O SRI ASH NARAYAN PRASAD YADAV @
ASHNARAYAN RAY R/o village- Mohadipur, P.S.- Chiraiya, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Surendra Kumar

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

3 24-08-2022 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
Ghorasahan P.S. Case No. 353 of 2021 registered for the offence
under Sections 302/120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.08.2021.

The allegation against the petitioner is to commit
murder of brother of the informant along with other co-accused,
due to previous dispute, which is founded over money
transactions.



Learned counsel appearing on behalf of the petitioner submitted that admittedly, no overt act attributed against this petitioner toward commission of the offence as allegation is limited to act like a liner, as per FIR. It is also submitted that informant is not the eye-witness of the occurrence and allegation is based upon suspicion. It is also submitted that arrest of the petitioner was made by private person, as per the version of FIR. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as the maximum allegation, which appears against this petitioner to act as liner, as per FIR, where informant is not the eye-witness of the occurrence 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 Ghorasahan P.S. Case No. 353 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 ACJM-III, Sikrahana at Dhaka, East Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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