

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59079 of 2022**

Arising Out of PS. Case No.-92 Year-2022 Thana- HUSSAINGANJ District- Siwan

Tabrej Raja @ Bholu S/O Md. Sallahuddin @ Salahuddin Resident of village-
Mahual @ Mahuwal, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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

2 20-12-2022 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
Hussainganj P.S. Case No. 92 of 2022 registered for the offence
under Sections 302, 120(B), 34 and 307 of the Indian Penal
Code and under Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.04.2022.

The allegation against the petitioner is to commit
murder of one of the supporter of the informant having political
background contesting election for Legislative Council, while
returning from the office alongwith other named co-accused



persons by causing fire arm injuries.

Learned senior counsel, Mr. Yogesh Chand Verma while appearing on behalf of the petitioner submitted that petitioner was not named in F.I.R. and during the course of investigation his name surfaced on the basis of confessional statement of co-accused Azad Ansari, in furtherance of which no incriminating material recovered/surfaced, which may connect this petitioner with present occurrence of murder. It is also pointed out that the deceased was a stranger and not the supporter of the informant, as it appears from the face of F.I.R. itself. It is also pointed out that informant being eye witness of the occurrence, where 8 persons were named specifically failed to name this petitioner is sufficient to suggest that petitioner was implicated in this matter, as an after-thought out of local political differences. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned



above, as save and except confession of co-accused, no incriminating material surfaced during the course of investigation to connect this petitioner with present occurrence of murder coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hussainganj P.S. Case No. 92 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Siwan/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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