

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5955 of 2023

Arising Out of PS. Case No.-192 Year-2022 Thana- BARURAJ District- Muzaffarpur

Kanchan Kumar S/O Sri Ram Nath Sah R/V- Koriganwa, P.O.- Mahwal, P.S.-
Baruraj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Bela Singh, Advocate
For the Opposite Party/s	:	Md. Matloob Rab, APP
For the Informant	:	Mr. Pramod Rajpati, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Baruraj
P.S. Case No.192 of 2022 registered for the offence under
Sections 365, 364, 120-B, 34 302 and 201 of the Indian Penal
Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 06.09.2022.

The allegation against the petitioner is to commit
murder of the son of informant alongwith other unknown co-
accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in this case



out of suspicion as there was land dispute between the parties as per narration of the F.I.R. itself. It is submitted that name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely Rubi Kumari and Mantosh Kumar, disclosing different angle for committing murder, *qua*, stated through present F.I.R. It is submitted that even as per confessional statement nothing incriminating recovered/surfaced during the course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of murder. It is further submitted that similarly situated co-accused, namely Sone Lal Sharma, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.12744 of 2023 vide order dated 16.05.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, 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 duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that petitioner actively participated in this occurrence as per confessional statement of co-accused but



fairly conceded that no incriminating material surfaced/recovered out of said confession to suggest involvement of petitioner, *prima facie*, with the present occurrence.

In view of the facts and circumstances as mentioned above as save and except confessional statement nothing incriminating appears against this petitioner to connect, *prima facie*, with the present occurrence of murder coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 06.09.2022, let above named petitioner is directed to be released on bail in connection with Baruraj P.S. Case No.192 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 Judicial Magistrate-Ist Class, West Muzaffarpur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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