

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7856 of 2023**

Arising Out of PS. Case No.-898 Year-2022 Thana- LAKHISARAI District- Lakhisarai

SHIVAM KUMAR Son of Late Manoj Vishwakarma R/v- Naya Bazar
Dalpatti Pasiya Gali, P.S.- Kavaia, District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh

For the Opposite Party/s : Mr. Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 22-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

As per prosecution case, the informant alleged that four unknown miscreants have committed murder of his father while he was walking on road. Thereafter, the FIR has been lodged only on the basis of hearsay statement.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather he has falsely been made accused in the present case on the basis of confession made by other co-accused namely, Raushan Kumar before the



police which is inadmissible in the eye of law. Co-accused Raushan Kumar has already been granted bail by a co-ordinate Bench of this court vide order dated 3.5.2023 passed in Cr. Misc. No. 8541 of 2023 hence, the case of this petitioner stands on similar footing of that of the co-accused. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 24.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Lakhisarai (Kabaiya) P.S. Case No. 898 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai.

(Sunil Kumar Panwar, J)

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