

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20321 of 2023**

Arising Out of PS. Case No.-199 Year-2022 Thana- MAIRWAN District- Siwan

SACHIN KUMAR Son of Baidh Nath Singh R/V- Laxmipur, P.S- Mairwa
Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

3 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Mairwa
P.S. Case No. 199 of 2022 registered for the offence under Sections
392 and 302 of the Indian Penal Code and under Section 27 of the
Arms Act.

3. The accused/petitioner is not named in the F.I.R. and is
in custody since 18.07.2022.

4. The allegation against the petitioner is to commit
robbery alongwith other co-accused persons and while committing so
further committed murder of brother of informant by causing firearm
injuries and also looted cash of Rs. 8,000/- (Rupees Eight Thousand
only) belongs to informant during the course of occurrence.

5. Learned counsel appearing on behalf of the petitioner
submitted that name of this petitioner surfaced during the course of



investigation on the basis of confessional statement of Aditya Kumar Yadav in furtherance of which no incriminating material recovered/surfaced during the course of investigation as to connect petitioner, *prima facie*, with present occurrence of robbery and murder. It is further pointed out that said co-accused Aditya Kumar Yadav has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 67257 of 2022 vide order dated 11.05.2023. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as save and except suspicion arises out of confessional statement of co-accused Aditya Kumar Yadav, nothing incriminating appears to be surfaced during the course of investigation as to connect petitioner, *prima facie*, with present occurrence of robbery and murder coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 18.07.2022, accordingly, above named petitioner is directed to be released on bail in connection with Mairwa P.S. Case No. 199 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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