

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19144 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- MADHAURAH District- Saran

1. SHUBHAM SINGH @ PEHALWAN S/O SUBHASH SINGH R/v- Ranipur, P.S.- Jahanganj, District- Ajamgarh (U.P.)
2. PINTU BHARTI S/O RAJMANI BHARTI R/v- Sirisiya, P.S.- Rampur Karkhana, District- Dewariya(U.P.)
3. VIKASH GAUR@ VIKASH GOND S/O SURESH GAUR R/v- Tetariya, P.S.- Vijaypur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for regular bail in a case instituted for the offence under Sections 302, 307, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant runs a jewellery shop and three persons worked in that shop. At the very moment one unknown person covered his face, entered in the shop and pointed a country-made pistol towards the informant. After departure of the informant one of those miscreants shot fired on one of the employees of the informant



namely Anil Kumar, due to which he died and the informant sustained gun-shot injury on his right hand.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case due to dirty village politics. They have committed no offence. Petitioners are not named in the FIR and the same have been lodged against unknown persons. The name of the petitioners have come into light, on the basis of confessional statement of co-accused Anurag Kumar Singh and Shubham Singh @ Pahalwan, which have got no evidentiary value in the eyes of law. No incriminating article has been recovered from the conscious possession of these petitioners. There is no consistent evidence and no specific overt act against these petitioners. No T.I. Parade has been done. Petitioner no. 1 is languishing in judicial custody since 20.06.2022, petitioner no. 2 is in custody since 08.09.2022 and petitioner no. 3 is in custody since 15.12.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named



petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Madhaura P.S. Case No. 155 of 2022.

(Sunil Kumar Panwar, J)

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