

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15848 of 2023

Arising Out of PS. Case No.-612 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

SAROJ RAI S/O BALESHWAR PRASAD YADAV R/v- Batrauli, P.S.-
Mahindwara (Erstwhile, Runnisaidpur PS), District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Nasar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-05-2023 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 the accused persons including the petitioner came at his house, in the meantime, co-accused Birendra Ray and Jaikumar Singh fired gun shot from window which hit his uncle due to which he succumbed to injury.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case on the basis of suspicion. From perusal of FIR, it appears that the specific allegation of firing upon the deceased is against other co-accused persons



namely, Birendra Ray and Jaikumar Singh. The petitioner is not named in FIR rather during course of investigation, his named transpired in his self confessional statement which has got no evidentiary value in the eye of law. No any cogent material has come against the petitioner which shows his complicity in the alleged offence. It is further submitted that the petitioner is languishing in judicial custody since 13.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner has got several criminal antecedents.

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 Runnisaidpur P.S. Case No. 612 of 2018 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi.

(Sunil Kumar Panwar, J)

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