

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25491 of 2023

Arising Out of PS. Case No.-8 Year-2022 Thana- BAKHTIYARPUR District- Patna

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SURAJ KUMAR S/O SONELAL YADAV R/O Village- Madhopur, P.S-
Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.688 of 2022 (arising out of Bakhtiyarpur P.S. Case no.8 of 2022) registered under sections 307, 147, 148, 149, 341, 323, 379, 380, 387 and 504 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the five named accused persons namely Nitish Yadav, Mohan Yadav, Dharmveer @ Dhammi Yadav, Ajay Singh and Guddu Singh are said to have come variously armed and made a demand of Rs.5 lacs from the informant. The informant states that on making an attempt to make a phone call, one of the accused shot at him and injured him on the right side of the chest. Others also fired at him.



4. Learned counsel for the petitioner submits that inspite of the detailed narration of the occurrence in the F.I.R. wherein the informant names the five accused persons who participated in the occurrence, the petitioner has not been named. So far as the petitioner is concerned, his name transpired in course of investigation in the confessional statement of Raju Kumar who has himself been enlarged on bail vide order dated 29.8.2022 (Annexure-2) passed in Cr. Misc. no.15450 of 2022. The petitioner is in custody since 13.7.2022 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation as mentioned in the F.I.R., the petitioner not being named in the F.I.R., the name of the petitioner transpiring in the confessional statement of co-accused Raju Kumar who has himself been enlarged on bail vide order dated 29.8.2022 (Annexure-2), the petitioner being in custody for more than 10 months since 13.7.2022 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.688 of 2022 (arising out of Bakhtiyarpur P.S. Case no.8 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 the learned A.C.J.M. III, Barh, District Patna.

(Partha Sarthy, J)

Saurabh/-

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