

Arising Out of PS. Case No.-150 Year-2022 Thana- KORANSARAI District- Buxar

- Petitioner/s

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP
For the Informant : Mr. Anand Ojha, Advocate

4. The allegation against the petitioners is to commit murder of the uncle of the informant along with other 09 named co-accused persons and 4-5 unknown co-accused persons were equipped with deadly weapons and firearms,



where, occurrence arises out of long standing land disputes.

5. Learned counsel appearing on behalf of the petitioners submitted that the informant is not the eye-witness of the occurrence and entire allegation is found upon suspicion out of previous threat and as he noticed, these petitioners with other co-accused persons equipped with deadly weapons at about 09:30 PM around place of occurrence. It is further submitted that save and except suspicion nothing surfaced, during course of investigation, which may connect these petitioners, *prima facie*, with present occurrence of murder. While travelling over the argument, learned counsel pointed out certain discrepancies, as present FIR was lodged with a delay of 21 hours, despite of availability of the informant with police, which is apparent from seizure list, which was signed same very day at about 07:15 AM. While concluding the argument, it is submitted that so far as petitioner No.1 is concerned, he is a man of clean antecedent, and petitioner No.2 found involved in 03 more criminal cases, where, after the trial he was acquitted and as such it can be safely said that he is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that circumstances of this case suggesting active involvement of these petitioners along with other co-accused persons in present occurrence of murder.

7. Considering the facts and circumstances as mentioned above, as save and except suspicion, where, informant is not the eye-witness, nothing surfaced incriminating against these petitioners, as to connect him, *prima facie*, with present occurrence of murder coupled with the fact that charge-sheet has already submitted, where, both petitioners are in custody since 20.01.2023 and 23.01.2023, respectively, let both petitioners, above named, are directed to be released on bail in connection with Koransarai P.S. Case No.150 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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