

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26967 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- GOVINDGANJ District- East
Champaran

=====

Hari Shankar Kumar Son Of Vishwanath Paswan R/O Village- Madhumalti,
P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Arun Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-05-2023 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, 120B/34 of the Indian Penal Code and Section 27 of Arms Act.

According to FIR, unknown miscreants fired upon Sanjay Kumar Thakur who was died when he was being taken to hospital.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in the FIR, rather his name was transpired in this case



only on the basis of confessional statement of other co-accused namely, Aayush Kumar, which as got no evidentiary value in the eye of law. There is no eye-witness of the alleged occurrence rather the FIR has been lodged on the basis of suspicion. During course of investigation, no any cogent material has come against the petitioner to show his complicity in the alleged offence. Moreover, similarly situated co-accused namely, Omprakash Ram has already been granted bail by this Court vide order dated 11.4.2023 passed in Cr. Misc. No. 75324 of 2022 and in support of this Annexure-2 has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 19.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

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 Govindganj (Areraj) P.S. Case No. 436 of 2022 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, Motihari at East Champaran.

(Sunil Kumar Panwar, J)

Amandeep/-

U		T	
---	--	---	--

