

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27908 of 2023

Arising Out of PS. Case No.-303 Year-2021 Thana- SURSAND District- Sitamarhi

Suraj Kumar, Son Of Late Raj Kishore Sah Resident Of Village- Surand, Ps-
Sursand, Distt- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur- Advocate Ms. Vaishnavi Singh- Advocate Mr. Ritwik Thakur- Advocate
For the Opposite Party/s :		Mr. Bharat Lal- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 07-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 302/ 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases and the informant
alleges that the dead body of his brother was found smeared in
blood lying on the verandah of a room near a flour mill, which
sharp cut injury on head. Accordingly, the F.I.R. was instituted
against unknown.
4. The learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the F.I.R., it would



manifest that the F.I.R. is against unknown and the informant does not even remotely raise any suspicion against anyone. It is next submitted that name of this petitioner transpired based on confessional statement of Avinash Kumar in police custody, which does not have any evidentiary value. It is also submitted that Avinash Kumar has been granted regular bail by a learned Coordinate Bench by order dated 13.10.2022 in Cr. Misc. No.71975 of 2021. It is further submitted that during the course of investigation, the parents of the deceased also raised suspicion against the petitioner, but then, the said suspicion is not part of the F.I.R., when it was instituted, as such, it appears that by way of after thought, the petitioner, because of his antecedent, came to be implicated. It is next submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth and proving his innocence.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail



on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate (P), Sitamarhi in connection with Sursand P. S. Case No.303 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with condition that one of the bailors of the petitioner shall be his maternal nephew namely, Anand Kumar.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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