

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30649 of 2023

Arising Out of PS. Case No.-202 Year-2022 Thana- GWALPARA District- Madhepura

Niranjan Kumar@ Niraj Son Of Amir Lal Mahto R/O Village- Sindhbari,
Bind Tola, P.S.- Gawalpara, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Gwalpara
P.S. Case No. 202 of 2022 registered for the offence under
Sections 302/34 of the Indian Penal Code and under Section 27
of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 03.12.2022.

The allegation against the petitioner is to commit
murder of son of informant alongwith other co-accused persons
by causing firearm injuries after calling him outside from his
house, where soon before the occurrence a call over mobile



phone was made to the deceased.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Abaren Kumar, who apprehended during the course of investigation on the basis of suspicion as his mobile tower location was found with deceased, namely, Puspraj Anand@Aman Kumar, where last call as alleged through F.I.R. was made by co-accused Dhrub Mandal. It is submitted that deceased was also a criminal and he was the active member of co-accused Dhrub Mandal gang, where soon before this occurrence he sold entire looted jewelry without sharing with co-accused persons, which appears main reason for present occurrence of murder. It is submitted that save and except suspicion as raised through confessional statement of co-accused Abaren Kumar nothing incriminating appears to be recovered/surfaced during the course of investigation which may connect petitioner, *prima facie*, with present occurrence of murder. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion as raised through confessional statement nothing surfaced against this petitioner during the course of investigation as to connect him with present occurrence of murder coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Gawalpara P.S. Case No. 202 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Session Judge, Madhepura/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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