

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30140 of 2023

Arising Out of PS. Case No.-371 Year-2022 Thana- BAKHTIARPUR District- Saharsa

Saurabh Kumar @ Saurabh Disuja, Son of Sanjay Yadav, R/o village-
Baluaha, P.S.-Sonbarsha Kachahri, Distt.-Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No.371 of 2022 registered for the offences punishable under Sections 302, 307, 504, 506 read with 34 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

The accused/petitioner is not named in the FIR and is in custody since 16.11.2022.

Allegation against the petitioner is to commit murder of husband of informant along with other named co-accused persons by causing firearm injuries, where occurrence is arises out of money dispute.

It is submitted by learned counsel that the



petitioner is not named in the FIR despite the fact that informant is the eye-witness of the occurrence. It is submitted that as a matter of afterthought, petitioner was named with present case on the basis of confessional statement of co-accused, namely, Tarun Kumar. It is submitted that as per the version of informant claiming eye-witness of the occurrence, specific allegation is available against co-accused, namely, Raj Kumar Yadav and Banti Sharma. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as petitioner was not named in the FIR, where informant is the eye-witness of the occurrence, where no incriminating material recovered/surfaced during the course of investigation to connect the petitioner *prima facie* with occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.11.2022, accordingly, the petitioner, above-named, is directed to be



released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No.371 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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