

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30717 of 2023

Arising Out of PS. Case No.-720 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Shahid Kumar @ Lal @ Lalua @ Laluwa Son of Late Kamaru Jama @ Late Qamaruz Zaman Resident of Mojahidpur (Paschim Tola), P.S. - Mojahidpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Nathnagar P.S. Case No.720 of 2022 registered for the offence under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 15.11.2022.

The allegation against the petitioner is to commit murder of the nephew of the informant alongwith other named co-accused persons by causing firearm injuries, where occurrence arises out of money transaction dispute.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced in the present case on the basis of confessional statement of co-accused, namely Md. Shahrukh, where in furtherance of which, no incriminating material recovered/surfaced to connect this petitioner with the present occurrence of murder. It is further submitted that basis of implication is suspicion, as some witnesses during the course of investigation named this petitioner as they heard his name from the mouth of other co-accused, while committing murder and if it was so, then certainly prosecution had all occasion to put this petitioner on T.I.P., but same was not conducted till date. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as save and except suspicion and confessional statement of co-accused nothing incriminating appears during the course of investigation which may connect this petitioner, *prima facie*,



with the present occurrence of murder coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.11.2022, accordingly petitioner, above named, is directed to be released on bail in connection with Nathnagar P.S. Case No.720 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Bhagalpur/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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