

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31035 of 2023

Arising Out of PS. Case No.-873 Year-2020 Thana- SUPAUL District- Supaul

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Saroj Kumar @ Saroj Yadav Son of Mahanand Yadav Resident of Village -
Bhoraha, P.S. - Raniganj, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2023 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 Supaul
P.S. Case No. 873 of 2020 registered for the offence under
Sections 302, 34 of the Indian Penal Code and 27 of the Arms
Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 14.09.2022.

The allegation against this petitioner is to commit
murder of son of informant by opening fire alongwith named
co-accused persons out of previous enmities.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in F.I.R. and his name surfaced during the course of investigation on the basis of confessional statement of co-accused Panchu Das @ Panchunand Das. It is submitted that just to incriminate falsely with present case, a cheque shown to be recovered from the possession of this petitioner, having otherwise no bearing over the merit of case particularly, in view of the narration of F.I.R., where informant appears to be an eye witness of the occurrence, wherein specifically alleged other co-accused person to open fire upon his son causing his death. It is submitted that similarly situated co-accused persons, namely, Pawan Pandit and Raushan Kumar have already granted bail by learned co-ordinate Benches of this Court through Cr. Misc. No. 58628 of 2021 vide order dated 27.09.2022 and Cr. Misc. No. 60073 of 2021 vide order dated 22.08.2022, respectively. While concluding the argument, it has been submitted that petitioner found involved in six more criminal cases, where he is on bail in four cases and moreover, investigation of this case is completed, for which charge-sheet has already 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, as name of petitioner surfaced during the course of investigation, where informant specifically alleged other co-accused persons being eye witness, causing death of his son by means of opening indiscriminate firing, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.09.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Supaul P.S. Case No. 873 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul/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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