

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33061 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Shiv Kumar Son of Umesh Choudhary @ Umesh Kumar Resident of Village -
Station Road Sultanganj, P.S. - Sultanganj, Distt. - Bhagalpur

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2023 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 Session
Trial No. 106/2023 arising out of Sultanganj P.S. Case No. 301
of 2022 registered for the offence under Section 302/34 of the
Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 09.09.2022.

The allegation against this petitioner is to commit
murder of younger brother of informant along with other
unknown co-accused persons by using sharp edge cut weapons.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was falsely implicated with present case only out of suspicion, where informant is apparently not an eye witness of the occurrence. It is submitted that the name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Amit Kumar, who has already granted bail by learned co-ordinate Bench of this Court through Cr. Misc. No. 8410 of 2023 vide order dated 13.04.2023. It is submitted that in furtherance of said confessional statement no incriminating material 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 petitioner found involved in 2 more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except confessional statement and suspicion nothing surfaced against this petitioner, which may connect, *prima facie*, with present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where



petitioner is in custody since 09.09.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Session Trial No. 106/2023 arising out of Sultanganj P.S. Case No. 301 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 XI, 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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