

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36796 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- SAHIYARA District- Sitamarhi

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KISHAN KUMAR @ KRISHNA KUMAR Son of Vijay Singh @ Vijay
Kumar Singh Resident of village - Mohani Mandal, Tole Vishan Singh, P.S. -
Suppi, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 302 of the
Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, the informant alleged that
some unknown miscreants shot fire upon his father due to which
he sustained gun shot injury and died during course of
treatment.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case on the basis of hearsay
statement of the witnesses which is mentioned in para-45 & 46
of the case diary. The petitioner is not named in FIR rather one



Ankit Kumar was arrested on 16.6.2022 in other case who confessed his guilt and stated that the petitioner was also actively involved in this alleged occurrence. Confession before police has got no evidentiary value in the eye of law. Except confession, no any consistent material has come against the petitioner which shows his complicity in the case. It is further submitted that the petitioner is languishing in judicial custody since 21.9.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sahiyara P.S. Case No. 67 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi.

(Sunil Kumar Panwar, J)

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