

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42252 of 2023

Arising Out of PS. Case No.-730 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Praduman Kumar @ Parduman Kumar Son Of Late Amod Sah Resident Of
Village- Hatiyagachhi Patel Nagar Ward No. 31 Ps- Saharsa Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 26.09.2022 in connection with Saharsa P.S. Case No. 730 of 2022, F.I.R. dated 26.09.2022 for the offences punishable under Sections 363, 365, 302, 201, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including the petitioner have committed the murder of the son of the informant and also assaulted the other family member of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Golu Kumar which was recorded in paragraph no. 30 of the case diary. He further submits that except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bikash Kumar who is also not named in the F.I.R and his name has been transpired on the basis of the confessional statement of the co-accused person has been granted bail by this Court vide order dated 17.07.2023 passed in Cr. Misc. No. 23631 of 2023. The petitioner is in custody since 26.09.2022.

5. The learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the statement of the co-accused, Golu Kumar which was recorded in paragraph no. 30 of the case diary in which he has categorically stated that after receiving the revolver from the co-accused, Chetan Kumar, the petitioner has



fired 4 bullets upon the informant and the postmortem report also supports the contention of the co-accused person. He further submits that there is direct and specific allegation against the petitioner that he has fired upon the victim.

6. Considering the aforesaid facts and circumstances that on the same confession the co-accused, Bikash Kumar has been granted bail by this Hon'ble Court and there is no evidentiary value of the confessional statement in the eye of law, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 730 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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