

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41790 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- BAUNSI District- Araria

Rajik @ Md Razique S/O Md. Isha R/O Village-Hirdaipur, Ward No-05, P.S.,
P.S.-Araria, Distt.-Araria (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-11-2023 Heard learned counsel for the petitioner,

learned counsel for the informant and learned APP for

the State.

The petitioner has prayed for bail in a case

instituted for the offence under Sections 302, 394 of

the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, informant and

Bindeshwari Yadav (deceased) were in round for

collecting the money in favour of M/S Raju Store. At the

time of returning, when they reached Mirzapur, two

miscreants on a motorcycle came there and on pistol

point tried to snatch the cash of the informant. On



protest made by the informant, miscreants opened fire which hit the informant on his right thigh and other hit to Bindeshwari Yadav on his chest. Miscreants looted away cash of Rs. 51,800/- and fled away. During treatment, on 17.01.2023, Bindeshwari Yadav succumbed to gun shot injuries.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. FIR is against unknown. No one is the eye witness of the alleged occurrence. Only on the basis of suspicion, co-accused Vikram Goswami was apprehended and in his confessional statement, name of the petitioner has come. Save and except self confessional statement of petitioner and confessional statement of Vikram Goswami, nothing has come against the petitioner to show his involvement in the present case. Confessional statement before the police is not admissible as evidence in the eye of law. No incriminating article has been recovered from the possession of the petitioner.



Petitioner has not been put on TIP. The petitioner is languishing in judicial custody since 09.12.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Bausi P.S. Case No. 124 of 2022.

(Sunil Kumar Panwar, J)

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