

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35799 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- ALOULI District- Khagaria

Sanjay Kumar Sah Son Of Upendra Sah Resident Of Village -piprahi, Ps-
Alauli, Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21094 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- ALOULI District- Khagaria

Abhishek Kumar S/o Tribhuvan Kumar Resident of Village-Sahjanand Nagar,
P.S.-Muffasil, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35799 of 2023)

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Jagdhar Prasad

For the Informant : Ms. Priyanka Kumari

(In CRIMINAL MISCELLANEOUS No. 21094 of 2023)

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-08-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

The petitioners have prayed for regular bail in a case
registered for the offence punishable under Sections 302 and 34
of the Indian Penal Code and 27 of the Arms Act.

As per allegation in the FIR, on 04.01.2023 while the
informant's brother namely Arvind Yadav (deceased) along with



cousin was going to home from Khagaria from motorcycle, in the meantime five unknown miscreants on motorcycles intercepted them and started firing indiscriminately upon him due to which he fell down on the ground. On arrival of the villagers informant's brother was brought to Sadar Hospital, Khagaria from where he was referred to Begusarai for treatment where he died during course of treatment.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. The petitioners are not named in the F.I.R. They have falsely been implicated in this case on the basis of suspicion and due to dirty village politics. Their names have been transpired in this case on the basis of confessional statement before the police, which has no evidentiary value in the eye of law. The informant is not the eye witness of the alleged occurrence. There is general and omnibus allegation against five unknown miscreants. During investigation, no consistent evidence has come against the petitioners to show their complicity in this alleged occurrence. It is further submitted that the petitioners are languishing in judicial custody since for more than six months.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular



bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Aluli P.S. Case No. 04 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria.

(Sunil Kumar Panwar, J)

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