

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37151 of 2023

Arising Out of PS. Case No.-169 Year-2022 Thana- SANJHOLI District- Rohtas

SHAMSHER @ AWAKASH KUMAR Son of Dinesh Rai Resident of Purvi
Bhelari, P.S. - Natwar, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar
For the Opposite Party/s	:	Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-08-2023 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 sections 394 and 302 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegation against the petitioner along with other co-accused persons is that they committed murder of the informant's brother by means of firearm and took away his belongings including an amount of Rs. 83,000/- along with some documents when he was coming from center meeting collection.

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 merely on suspicion. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of other co-accused person, namely, Rishabh Srivastava, who has already been granted bail by this Court vide order dated 21.08.2023 passed in Cr. Misc. No. 13347 of 2023. It is further submitted that there has been recovery of Rs. 3200/- from the possession of the petitioner which is not looted amount rather the same belongs to the petitioner itself and other than the said amount, nothing incriminating article has been recovered from his possession. It is also submitted from para-8 of this petition that that the seized motorcycle has been recovered from outside the house of one Saurabh Patel not from the possession of this petitioner. Moreover, he is languishing in judicial custody since 22.10.2022.

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 Sanjhauli P.S. Case No.



169 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 19th Additional Sessions Judge, Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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