

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38259 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- SUPAUL District- Supaul

1. Suman Kumar Son Of Deep Narayan Choudhary Ramdattpatti Ward No 8, Ps- Supaul, District- Supaul
2. Md Gulsher Son Of Md Islam Resident Of Village- Lakhanpatti (Ward No. 14), Ps- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek regular bail in connection with Supaul P.S. Case No. 131 of 2023 registered for the offence under Sections 302, 120B/34 of the Indian Penal Code and section 27 of Arms Act.

3. As per prosecution case, the informant alleged the FIR named accused persons are indulged in hatching conspiracy to kill the informant's brother by shot fire in connivance with others. It is further alleged that wife of the deceased developed illicit affairs with Vinod Paswan due to which this alleged occurrence took place. Thereafter, the present FIR has been



lodged.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Both the petitioners are not named in FIR rather they have falsely been implicated in this case. During course of investigation, co-accused Binod Paswan and Rina Devi were arrested who confessed their guilt and on the basis of their confession, the name of the petitioners came into light. The petitioners also confessed their guilt but the confession before police is not admissible in the eye of law. There is no eye witness of the alleged incident. No nay consistent evidence has come against the petitioners which shows their involvement in the alleged offence. The petitioners have got no criminal antecedent as stated in para-3 of the bail petition and they are languishing in judicial custody since 25.2.2023.

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, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Supaul P.S. Case No. 131 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, Supaul.

(Sunil Kumar Panwar, J)

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