

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41008 of 2023

Arising Out of PS. Case No.-149 Year-2021 Thana- SITAMARHI District- Sitamarhi

Kumar Satyam S/O Late Vinod Bihari Mishra R/O Mohalla- Laxmana Nagar,
Sidha Ashram, Ward No. 16, Ps. Sitamarhi, Dist. Sitamarhi

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sitamarhi
P.S. Case No. 149 of 2021 registered for the offence under
Sections 147, 149, 447, 504, 307, 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.04.2023.

The allegation against the petitioner is to commit
murder of Mahant Hari Narayan Das @ Hari Das by causing
firearm injuries and also to open fire on the wife of informant
causing firearm injury during the course of occurrence, which
alleged to be arises out of long standing land dispute.



Learned counsel appearing on behalf of the petitioner submitted that the injured wife of informant during the course of investigation stated that the injuries received by her and deceased Mahant Hari Das was caused by some penetrating type of weapon not by firearms and this fact gets further corroborating strength from the postmortem report of the deceased Mahant Hari Das, which shows cause of death not as firearm injury rather penetrating wound caused by hard and blunt substance. It is submitted that by taking note of the statement of this injured witness, which is completely negating the version of informant claiming to be an eye-witness of the occurrence, similarly situated co-accused, namely Kumar Shivam has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 7440 of 2023 dated 14.03.2023. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail.

Learned APP, while opposing the prayer of bail fairly conceded that the postmortem report of deceased Hari Das is not suggesting that death was caused by firearm injuries as alleged to present FIR.

Considering the facts and circumstances as mentioned



above and by taking note of contradictory statement of injured qua informant as regard to cause of death, where petitioner is in custody since 25.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Sitamarhi P.S. Case No. 149 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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