

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43401 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- SAHPUR District- Patna

PRINCE KUMAR, aged about 21 years, Male, S/O RAJESH KUMAR SAW
@ RAJESH SAO, R/O Village- Naya Tola, P.S- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Shahpur P.S. Case No. 124 of 2023 dated 21.02.2023 registered
for the offence(s) punishable under Section(s) 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent and co-accused Govind Kumar has been
granted bail by a co-ordinate Bench of this Court vide order
passed in Cr. Misc. No.39077 of 2023, petitioner is not named
in the FIR and his name surfaced in the statement of co-accused
Suraj Kumar which has no evidentiary value and considering
this aspect, the said co-accused Govind Kumar was granted bail



and petitioner's case stands on similar footing with the said co-accused. Further submissions are that the FIR was registered against unknown criminals and after the petitioner's arrest, he was not put on Test Identification Parade (TIP) and he has been languishing in jail since 23.02.2023 and against him there is no any legal evidence to connect him to the alleged occurrence of murder and if the confessional statement of co-accused Suraj Kumar is taken into account even then main allegation appears against co-accused persons, namely, Monu and Rahul and against the petitioner, the investigation has been completed

4. Learned APP appearing for the State has opposed the bail prayer.

5. Having regard to the facts and circumstances of the case and considering the above submissions and mainly the facts that as per the order impugned the prosecution is mainly relying upon the confessional statement of co-accused Suraj Kumar and CDR details of the deceased and co-accused persons in respect of the petitioner's involvement in the alleged crime of murder and there appears no direct evidence against this petitioner and he has fair and clean antecedent and against him, the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner



named-above be enlarged on bail in connection with Shahpur
P.S. Case No. 124 of 2023 on furnishing bail bond of
Rs.10,000/-(Ten Thousand) with two sureties of the like amount
each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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