

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49479 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- SAUR BAZAR District- Saharsa

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Roshan Kumar Son Of Jay Kishore Yadav R/O-Maushari Tola, Baijnathpur,
Ward No. 6, P.S.-SOUR Bazar, Saharsha, Bihar, 852221 Petitioner/s
Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP
For the Informant : Mr. Shailender Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
13.01.2023 in connection with Saurbazar (Baijnathpur) P.S.
Case No. 03 of 2023, F.I.R. dated 02.01.2023 for the offences
punishable under Sections 302, 120B of the Indian Penal Code
and Section 27 of the Arms Act.

3. According to prosecution case, this petitioner along
with other accused persons have shot dead the son of the
informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R is false and fabricated and the petitioner has not
committed any offence as alleged in the F.I.R. He further



submits that the informant is not the eye witness of the alleged occurrence and during investigation, the statement of the co-accused, namely, Shiva Kumar was recorded in which he has categorically stated that he has fired upon the victim and on his confession the arms has been recovered near the house of the petitioner.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor on the basis of material available on record and the case diary have vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R it appears that there is direct and specific allegation against the petitioner that he along with other accused persons have fired upon the victim and the postmortem report of the victim suggest that he has received three injuries caused by firearm and the allegation as alleged was also supported the medical evidence.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Saurbazar (Bajjnathpur) P.S. Case No. 03 of 2023 pending in the court of learned Additional District Magistrate I, Saharsa.

(Rajesh Kumar Verma, J)

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