

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55238 of 2022

Arising Out of PS. Case No.-02 Year-2022 Thana- CHAUSA District- Madhepura

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Suman Kumar @ Suman Kumar Mehta @ Suman Mehta Son of Bilash Mehta
Resident of Yogiraj, Ward No. 09, Police Station- Puraini, District-
Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 168 of 2022, arising out of Chausa P.S. Case
No. 2 of 2022 registered for the offences punishable under
Section 302 of the Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, unknown persons shot
dead the informant's son.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired in the present case during the course of investigation
upon the confessional statement of co-accused Pankaj Muni.



Even as per confessional statement of co-accused Pankaj Mani, petitioner is not assailant of the deceased. Confessional statement of co-accused has no legal value in the eye of law. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. No incriminating article is recovered from his possession. He further submits that petitioner is in custody since 27.04.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the alleged occurrence took place on 04.01.2022 and FIR has been lodged on 06.01.2022 after delay of three days and there is no explanation given for delay in lodging the FIR. He further submits that petitioner is quite innocent and has been falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Madhepura in connection with Sessions Trial No. 168 of 2022 arising out of Chausa P.S. Case No. 2 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without appropriate permission of trial court, his bail bond shall be cancelled by the trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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