

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60109 of 2023**

Arising Out of PS. Case No.-404 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Gulshan Singh Son of Sri Sanjay Singh @ Sanjay Kumar R/o vill - Barari,
P.S. - Barari, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-09-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with K.Hat
(Maranga) P.S. Case No. 404 of 2023 registered for the offence
under Sections 302 and 201/34 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 02.05.2023.

4. The allegation against the petitioner is to commit
murder of the son of informant alongwith seven (07) named co-
accused persons, where occurrence took place out of
longstanding land and property disputes.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner has been falsely implicated
with the present case out of suspicion as he was found in



telephonic conversation with some of the named co-accused persons, prior to this occurrence having such limited evidence, his implication with present case is not, *prima facie*, convincing. It is submitted that save and except this incriminating circumstance (conversation over telephone) nothing surfaced during the course of investigation to connect petitioner with the present occurrence. It is submitted that out of said suspicion, confessional statement of petitioner was obtained, in furtherance thereof also no incriminating material recovered/surfaced during the course of investigation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as save and except suspicion arising out of Call Detail Records (CDRs) suggesting conversation with some of the named co-accused persons, prior to this occurrence nothing, *prima facie*, incriminating appears against this petitioner during the course of investigation coupled with the



fact that charge-sheet has already submitted, where petitioner is in custody since 02.05.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with K.Hat (Maranga) P.S. Case No. 404 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further condition :-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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