

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61227 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- BARURAJ District- Muzaffarpur

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ASHARFI SAH S/O LATE SHIVJI SAH Resident of Village- Bangar Firoz,
P.S.- Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Baruraj P.S. Case No. 58/2022, registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The case of the prosecution, in brief, is that the daughter of the informant along with her one and a half years old son had disappeared and upon search, they could not be traced. It is also alleged that on 25.2.2022, one co-accused person, namely, Mohan Mahto, had arrived at the



house of the informant and had threatened her and others to compromise the pending case, failing which he would kill the informant and her daughter and again, on 19.3.2022, the informant was threatened by one another co-accused person, namely, Satrudhan Mahto.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 1.4.2022. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence, the petitioner has got no motive to kill the deceased, he has been implicated in the present case merely on his confessional statement, which has got no evidentiary value in the eyes of law and he is not named in the FIR. It is also submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court, vide order dated 29.11.2022, passed in Criminal Miscellaneous No. 45544 of



2022 and Criminal Miscellaneous No. 45643 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the petitioner has been made an accused in the present case merely on suspicion as also on the basis of his confessional statement, which has got no evidentiary value in the eyes of law, apart from the fact that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned J.M. 1st Class, (West),
Muzaffarpur in connection with Baruraj P.S. Case
No. 58 of 2022.

(Mohit Kumar Shah, J)

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