

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67296 of 2022

Arising Out of PS. Case No.-707 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Shoyeb @ Md. Saheb, Son Of Shamshuddin, Resident of Village- Banbhag,
P.S.- K. Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74045 of 2022

Arising Out of PS. Case No.-707 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Gaurav Kumar, S/o Shree Kumod Kumar Yadav, resident of village- Balu
Rikabganj, Ward No-01, P.S.- K.Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67296 of 2022)

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

(In CRIMINAL MISCELLANEOUS No. 74045 of 2022)

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 20-04-2023 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.
2. Heard learned counsel for the petitioners and the learned APPs for the State.
3. Petitioners seek regular bail in connection with K.



Hat P.S. Case No. 707 of 2022 dated 17.07.2022 registered for the offences punishable under Sections 392, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. The main submissions advanced by the learned counsel for the petitioner namely, Shoyeb @ Md. Saheb are that the said petitioner is not named in the FIR, during course of investigation on suspicion co-accused Amrit Raj was arrested by the police, who made confession before the police and on the basis of his confession the petitioner was made accused and as per the allegation he supplied the alleged weapon to the co-accused which was used in the alleged crime but except the said confessional statement of co-accused there is no any other material to connect the petitioner to the alleged crime and he was not put on test identification parade and if the said confession is believed, even then the petitioner was not alleged to be a member of the assailants and he has been languishing in jail since 05.08.2022 though against him there are criminal antecedents of five cases but he has got bail in three cases out of the said antecedents.

5. Learned counsel for the petitioner namely, Gaurav Kumar has submitted that this petitioner is quite innocent and he has been made accused merely on the basis of his confessional



statement and statements of co-accused persons but in following with his statement no recovery of any incriminating material connecting him to the alleged crime was made, though as per the prosecution one motorcycle which is stated to have been used in the alleged crime was recovered in following with the statement made by this petitioner but the said motorcycle was recovered from the house of this petitioner and prosecution has not produced any material to show the link between the recovered motorcycle and the motorcycle shown in the FIR. Further submission is that the petitioner has been languishing in jail since 24.03.2022.

6. Learned APPs appearing for the State have opposed the bail prayer but fairly accepted that except the confessional statements of the accused persons there is no other material to connect the petitioners to the alleged crime.

7. Considering the above submissions and mainly the fact that in respect of the involvement of the petitioners in the alleged crime the prosecution is mainly relying upon the statements of both the petitioners and co-accused and except the said statements no evidence has been pointed out by the learned APPs against the petitioners and also taking into account the petitioners' custody period, in the opinion of this court, the



petitioners deserve to a lenient approach of this court.
Accordingly, let the petitioners be released on bail on furnishing
bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties
of the like amount each to the satisfaction of the concerned
Court in connection with K. Hat P.S. Case No. 707 of 2022.

(Shailendra Singh, J)

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