

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71869 of 2022

Arising Out of PS. Case No.-336 Year-2022 Thana- MASAUDHI District- Patna

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Saurabh Kumar S/o Shishupal Mishra R/v- Taregnadih, P.S.- Masaurhi,
District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Masaurhi
P.S. Case No. 336 of 2022 registered for the offence under
Sections 147, 149, 341, 323, 307, 504, 506 and 302 of the
Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 16.06.2022.

The allegation against the petitioner is to commit
murder of the cousin brother of informant alongwith other co-
accused persons due to previous enmities.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is not named in the F.I.R., where his
name surfaced on the basis of confessional statement of co-



accused, namely, Md. Inam, where nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner, *prima facie*, with the present occurrence of murder. It is also submitted that as per CCTV footage, only two co-accused persons namely, Md. Inam and Gangajit Kumar, were identified. It is also submitted that petitioner was not put on TIP as yet. 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 been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly submitted that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except confession, no incriminating material recovered/surfaced during the course of investigation to connect petitioner, *prima facie*, with the present occurrence, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Masaurhi P.S. Case No. 336 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of Additional Chief Judicial
Magistrate, Masaurhi at Patna/concerned Court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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