

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.617 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- SARSI District- Purnia

Md. Shamim @ Chhotu Son of Md. Gulam Rasul R/v- Fulkaha, P.S.- Jadia,
District- Supaul

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2023 Heard Mr. Anil Prasad Singh, learned counsel for the

petitioner and Mr. Satyendra Narayan Singh, learned APP for

the State.

The petitioner seeks regular bail, who is in custody in
connection with Sarsi P.S. Case No. 119 of 2022, registered for
the offences punishable under Sections 406, 302, 120B of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the fardbeyan of the
informant alleging therein that on 04.06.2022 the husband of the
informant proceeded along with his owner and his business
partner for delivery of business materials. At about 08:15 pm,
the informant received information that some miscreants
surrounded her husband and shot fire, who later on died during
the course of treatment. The informant further alleged that she



came to know that six miscreants came on three motorcycles taken away the cash of the owner and during such loot they shot her husband dead. It is also alleged that the FIR named accused persons being owner of her husband after hatching a conspiracy with unknown miscreants have committed murder of her husband.

Learned counsel appearing on behalf of the petitioner submits that from the material available on record it appears that the FIR has been instituted against two named accused persons and six unknown miscreants, however, the entire case is based on suspicion and save and except suspicion there is no other material, apart from the fact that the two named accused persons against whom the allegation of conspiracy has been leveled, they have been allowed privilege of bail by learned Coordinate Bench of this Court in Cr. Misc. No. 55848 of 2022 vide order dated 08.12.2022. He further submits that so far the petitioner is concerned his name sprung up on the confessional statement of one Dharmveer Yadav, who is said to be one of the miscreants and his confessional statement has been recorded before the police. He next submits that on the basis of the aforesaid confessional statement the petitioner was arrested and from his possession a motorcycle and mobile phone are said to have been



recovered, which exclusively belong to the petitioner. He also submits that neither the petitioner nor the motorcycle/mobile have been put up on test identification parade to ascertain the implication of the petitioner, however, the petitioner having fair antecedent, is in custody since 21.06.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that co-accused Dharmveer Yadav in his confessional statement took the name of the petitioner as one of the miscreants involved in the present crime and the motorcycle and the mobile which is said to have been used in the crime has been recovered from his possession.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record especially the fact that there is no eyewitness to the alleged occurrence and the persons who are named in the FIR have been allowed privilege of bail by learned Coordinate Bench of this Court, coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released 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 Judicial Magistrate-1st Class, Purnea, in connection with Sarsi P.S. Case



No. 119 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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