

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13538 of 2024

Arising Out of PS. Case No.-18 Year-2023 Thana- BAKHTIYARPUR RAIL P.S. District- Patna

Indrajeet Kumar, S/o Sri Naresh Yadav @ Naresh Singh, R/o Village- Allipur,
P.S.- Salimpur, District- Patna Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-04-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with G.R.P. Bakhtiyarpur Khushrupur P.S. Case No. 18/2023 dated 28.02.2023 registered for the offences punishable under sections 302, 201, 120B read with section 34 of the Indian Penal Code and under section 27 of the Arms Act.

3. Mr. Raj Krishna Jha, learned counsel appearing for the petitioner submits that the petitioner has been languishing in jail since 05.10.2023 and against him, the investigation has been completed and the informant is not said to be an eye-witness of the alleged occurrence and he simply raised suspicion against this petitioner on account of a dispute regarding some money transaction in between the deceased and this petitioner but during investigation, it also came up that the deceased had a



dispute regarding some money transaction with co-accused Mahendra Yadav @ Baba and in this regard, the statement of said co-accused mentioned in the case diary may be perused. Learned counsel further submits that during investigation, the investigating officer made technical investigation in the light of mobile communication in between the accused persons and the tower location of their phones near or at the place of occurrence but no technical evidence to show the petitioner's communication with the co-accused persons at the relevant time as well as his presence at the place of occurrence was found by the investigating officer though the technical evidence gathered by the investigating officer goes against the co-accused persons. Learned counsel further submits that as per the FIR, a sum of Rs. 3,00,000/- (rupees three lakhs) belonging to the deceased was due against the petitioner but in respect of the said money transaction dispute, there is no evidence and the petitioner has been made accused in this case mainly on the basis of suspicion.

4. Though Mr. Ashok Kumar Singh, learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepted that there is no technical evidence against this petitioner to show his communication with the co-accused persons at the relevant time as well as to show his presence near or at the place of occurrence and there is also no



direct evidence against him.

5. Considering the above submissions and mainly taking into account the facts that in respect of the alleged involvement of the petitioner in the alleged crime, the prosecution is mainly relying upon suspicion raised by the informant who is not said to be an eye-witness of the alleged occurrence and admittedly, the petitioner's location was not found near or at the place of occurrence at the relevant time of the commission of the alleged occurrence and no any technical evidence was found to show the petitioner's communication with the co-accused persons at the relevant time of the offence and also coupled with the completion of the investigation against the petitioner, in my opinion, in the said circumstances, the petitioner deserves to be released on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with G.R.P. Bakhtiyarpur Khushrupur P.S. Case No. 18/2023.

(Shailendra Singh, J)

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