

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17303 of 2024

Arising Out of PS. Case No.-264 Year-2021 Thana- DIDARGANJ District- Patna

Sheshnath Singh @ Shesh Kumar @ Sheshnath @ Shesh Singh, aged about 40 years, Male Son of Late Janki Singh, Resident of Village- Sonama (Sonawan), P.S.- Didarganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Didarganj PS Case No. 264 of 2021 instituted for the offences punishable under Sections 302, 120B, 324/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, accused persons fired upon the brother of the informant thereafter the brother of the informant got unconscious and taken to hospital, where the doctors declared him dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of village politics. Petitioner has been made accused on the basis



of statement of hearsay witnesses. There is no any eye witness of the said occurrence. The allegation is based only on the basis of mere suspicion. No incriminating articles have been recovered from the conscious possession of the petitioner or his house. Petitioner has not arrested at the spot. Petitioner is in custody since 27.03.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-IV, Patna City dated 18.01.2024, it appears that petitioner is not named in the FIR and his name transpired in this case on the basis of statement of hearsay witnesses. From perusal of the records, it appears that on the basis of written report of the informant, the FIR has been lodged against seven accused persons and the petitioner is not named in the FIR. From perusal of the FIR, it appears that seven FIR named accused persons have seen by the informant on the place of occurrence but has not seen the petitioner and his name surfaced during investigation. Investigation has completed and chargesheet has been submitted before the learned Magistrate, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-IV, Patna City, Patna in connection with Didarganj PS Case No. 264 of 2021.

(Ramesh Chand Malviya, J)

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