

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15426 of 2024

Arising Out of PS. Case No.-470 Year-2022 Thana- NAGAR District- Vaishali

Samrat Kumar @ Samrat Kushwaha, Son of Santosh Kumar @ Santosh Kumar Ray, Resident of Village-Janta Chowk Kalyanpur, Police Station-Kalyanpur, District-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mahendra Pratap, Advocate
For the State : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-05-2024 Heard learned counsel appearing on behalf of the petitioner and Ajit Kumar, learned A.P.P. for the State.

2. Petitioner seek bail in connection with Hajipur Town P.S. Case No. 470 of 2022 registered for the offences under Section 396 of the Indian Penal Code.

3. The petitioner is not named in the First Information Report and is in custody since 04.08.2023.

4. Allegation against the petitioner is to commit murder of the husband of the informant while committing dacoity alongwith other co-accused persons and to take away several ornaments, whether silver or gold, belongs to her shop namely, M/s Neelam Jewelry.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that name of this petitioner has transpired/surfaced during course of investigation out of confessional statement of co-accused Arshad Alam @ Arshad Khan, where no incriminating article appears to be recovered from conscious physical possession of this petitioner during course of investigation as to connect him with the present occurrence of murder and dacoity. It is also submitted that the looted articles/ornaments were not put on Test Identification Parade (in short the "T.I.P.") as to connect this petitioner with the alleged occurrence. It is pointed out that seizure list is also appearing doubtful, being not supported by independent witnesses rather by the police personnels. While traveling over the argument, it was emphasized by learned counsel for the petitioner that petitioner has found involved in two criminal cases, in which he is on bail, where his name also surfaced on the basis of confessional statement of co-accused persons. While concluding argument, learned counsel submitted that investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State opposes the prayer



for bail of the petitioner.

7. Considering the aforesaid factual submission and by taking note of the fact that as *prima-facie* save and except suspicion arises out of confessional statement nothing incriminating appears against petitioner, where petitioner is in custody since 04.08.2023, coupled with the fact that investigation of this case is completed and charge-sheet has already been filed, accordingly, above-named petitioner is directed to be released on bail in connection with Hajipur Town P.S. Case No. 470 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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