

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17028 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Rahul Kumar @ Dayasagar Rai Son Of Gohal Rai R/O-Sakra, P.S.-
Bakhtiyarpur, Distt.-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balkrishna Mishra

For the Opposite Party/s : Mr. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 307, 326, 120B of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act and subsequently, section 302 of the IPC.

3. According to the FIR, two unknown miscreants are alleged to have shot fire upon the son of the informant namely, Sanoj Yadav @Sanjay Kumar due to which he sustained injury and died during course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The prosecution case lodged against unknown. His name was transpired in the case on the basis of confessional statement of



Raghu Kumar and Prince Kumar, who were identified through CCTV footage. During investigation, the police received secret information regarding the miscreants and they raised the place from where four persons including the petitioner were apprehended. No TIP was done to identify the petitioner. Similarly situated co-accused Ritesh Kumar has been granted bail vide order dated 17.10.2023, passed in Cr. Misc. No. 59993 of 2023 by this Court. Moreover, petitioner is languishing in judicial custody since 19.05.2023.

5. Learned APP appearing for the state vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 53 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge I, Saharsa.

(Sunil Kumar Panwar, J)

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