

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18805 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- MASAUDHI District- Patna

Roushan Kumar @ David, aged about 19 years, Male, Son of Shashi Kant Sharma @ Shashikant Ray, Resident of village - Kumhar Toli, P.S. - Masaurhi, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Ravi Ranjan Kumar, Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Masaurhi P.S. Case No. 281 of 2023 instituted for the offences punishable under Sections 302, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, informant's son has been murdered by the accused persons.

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 mere suspicion due to dirty village politics. He further submits that the occurrence has taken place on 30.04.2023 and the FIR has



been lodged on 02.05.2023, after a delay of two days but there is no any plausible explanation in this regard. He next submits that the police has submitted chargesheet against him. Nothing incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner is in custody since 06.05.2023

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and the impugned order of the learned Additional Sessions Judge-I, Masaurhi, Patna dated 13.09.2023, it appears that petitioner is named in the FIR. On the basis of written report of the informant, Ajay Kumar (father of deceased) the FIR has been registered against three accused persons including the petitioner under Sections 302, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. The informant himself is an eye witness of the alleged occurrence. From perusal of the postmortem report, it also appears that the postmortem conducted on 01.05.2023 at about 11:00 A.M., so there is two days delay in lodging of the FIR. The occurrence is alleged to have taken place in populated area but none of the person of the alleged place of occurrence came forward to disclose anything.



Considering all aspects of the case, I am of the view that it is a fit case for grant of bail to the petitioner, 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.C.J.M., Masaurhi, Patna in connection with Masaurhi P.S. Case No. 281 of 2023.

(Ramesh Chand Malviya, J)

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