

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19915 of 2024

Arising Out of PS. Case No.-286 Year-2021 Thana- SANGRAMPUR District- East
Champaran

Saroj Kumar S/O- Sikendar Prasad Yadav, R/O- Village- Chitariya, P.S.-
Kotwa, Dist.- East Champaran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP
For the Informant : Mr. Kundan Rathore, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 4 12-07-2024 1. Heard learned counsel appearing on behalf

of the petitioner, learned APP Mr. Rajendra Singh

Shastri appearing on behalf of the State and learned

counsel appearing on behalf of the informant.
2. The petitioner seeks bail in connection with

Sangrampur P.S. Case No. 286 of 2021 registered for

the offence under Sections 302, 201 of the Indian Penal

Code, 1860.
3. The accused/petitioner is not named in the

F.I.R. and is in custody since 25.01.2024.
4. The allegation against the petitioner is to



commit murder of unknown person, which later on identified as Vibhu Kumar on the basis of application given by his father, when he identified the dead body of his son after getting information about the occurrence from the newspaper. Informant of present case is a local Choukidar.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner merely on the basis of suspicion, as earlier some financial transaction was made between petitioner and his deceased son, implicated petitioner falsely with present case. It is further submitted that name of this petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Rishu Kumar, in furtherance of which, no incriminating material recovered/surfaced as to connect petitioner *prima facie* with the present occurrence of murder. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover,



investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel Mr. Kundan Rathore, appearing on behalf of the informant, while opposing the prayer of bail submitted that from the petition, as filed by the father of deceased, it appears that soon before this occurrence, a telephonic conversation was made between his deceased son and petitioner.

7. Taking note of aforesaid submission, it is further pointed out by learned counsel appearing for the petitioner that nothing surfaced during the course of investigation, in support of the submission which also conceded by the learned APP.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as save and except suspicion arising out of confessional statement of co-accused, *prima facie* nothing incriminating appears



against this petitioner during the course of investigation, as to connect him with present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.01.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Sangrampur P.S. Case No. 286 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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