

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19648 of 2024

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

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ASHISH KUMAR @ ASHISH CHAKRABORTI Son of Arun Chakraborti
Resident of Refusy Colony, Ward No. 6, P.S. and District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-04-2024 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 his self confessional statement as well as on the confessional statement of other co-accused person which was made in Saharsa P.S. Case No. 62 of 2023. The petitioner was not present at the place of occurrence rather only his connivance was shown during course of investigation. During investigation, the police received secret information regarding the miscreants and they raised the place from where four persons including the petitioner were apprehended. It is also transpired that the footage captured by CCTV camera clearly shows the miscreants who shot the son of the informant and they were identified as Raghu Kumar and Prince Kumar. 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 17.02.2023.

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



petitioner was also confessed his guilt in the alleged offence stated therein that he was also involved in the conspiracy to kill the deceased.

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 **after framing of charge, if not framed** 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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