

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21225 of 2024**

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

Prince Kumar Son Of Bishwanath Yadav Resident Of Fatehpur, P.S. -
Sonbarsa Raj, District - Saharsa

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

5 09-07-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 307, 326, 120(B) of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act and subsequently, Section 302 of Indian Penal Code was added.

Prosecution case in nutshell is that two unknown miscreants opened fire upon the informant's son, namely, Sanoj Yadav, due to which he sustained gun shot injury and later succumbed to injuries. The



occurrence was captured in the CCTV camera.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Petitioner is not named in the F.I.R. His name sprang up on the basis of his self confessional statement as well confessional statement of co-accused persons. There is no consistent evidence against the petitioner. During investigation, petitioner and co-accused Raghu has been identified in the CCTV footage. From the confessional statement of co-accuse Raghu, this fact came in light that co-accused Raghu has fired upon the deceased. It is further submitted that confessional statement and identification on the basis of CCTV footage have no evidentiary value. Moreover, the petitioner is languishing in judicial custody since 17th of February, 2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Saharsa Sadar P.S. Case No. 53 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge I, Saharsa, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. if the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. If the petitioner repeat the offences of similar nature, as alleged in the present case, the



prosecution will be at liberty to move for cancellation of
bail.

(Sunil Kumar Panwar, J)

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