

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21966 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- PARASBIGHA District- Jehanabad

Suraj Kumar, aged about 21 years, Male Son of Mahendra Prasad, Resident of
Village - Dhanuki, P.S. - Makhdumpur, District – Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Parasbigha P.S. Case No. 234 of 2023 instituted for the offences
punishable under Sections 394, 326 and 307 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per the prosecution case, three persons boarded
upon chased the informant and tried to stop him but the
informant did not stop his motorcycle and the people boarded on
bullet motorcycle fired three gun shot on the informant. Due to
which he fell down on the ground.

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 due to family rivalry. It is



further submitted that the petitioner is not named in the FIR. The name of the petitioner has been surfaced only on the basis of confessional statement of co-accused Aman Kumar @ Sunny Kumar, who is the brother of petitioner's brother-in-law. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 13.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and the impugned order of the learned District and Sessions Judge, Jehanabad dated 21.02.2024, it appears that petitioner is not named in the FIR but his name has come only on the basis of the confessional statement of the co-accused Aman Kumar @ Sunny Kumar. From perusal of the records, it also appears that on the same day some co-accused persons apprehended by the police with looted articles and bike. The seized motorcycle belong to the petitioner's father and the seized mobile belongs to the petitioner. Nothing has been recovered from the conscious possession of the petitioner and there is no Test Identification Parade till date, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, Jehanabad in connection with Paras Bigha P.S. Case No. 234 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and further the petitioner shall be present before the trial Court till conclusion of proceeding of trial.

(Ramesh Chand Malviya, J)

Anand Kr.

U		T	
---	--	---	--

