

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41395 of 2024

Arising Out of PS. Case No.-703 Year-2023 Thana- GHOSI District- Jehanabad

Surendra Kumar @ Bichhwa, aged about 22 years, Gender-Male, Son of
Vijay Kumar @ Vijay Prasad Yadav, Resident of Village- Nurpur, P.S.- Ghosi
(O.P.), District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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

ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ghoshi
P.S. Case No. 703 of 2023 instituted for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per the prosecution case, the informant went to
the pond of his village and saw his brother Ravindra Prasad
dead who used to sleep at night daily in a hut near that pond for
the sake of watching over the fishes. Further, he does not know
who murdered his brother.

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. Petitioner has not named in the FIR but during course of investigation suspicion has been raised by the informant and his other family members about his involvement in the present occurrence. It is stated that neither the informant is the eye witness of the alleged occurrence nor during course of investigation any of the witnesses have claimed themselves as an eye witness but only on suspicion he has been raised about involvement of this petitioner in the present case. Petitioner is in custody since 09.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-II, Jehanabad dated 29.04.2024, it appears that petitioner is not named in the FIR. The accused is charged for the offence punishable under Section 302 of the Indian Penal Code for committing murder of Ravindra Prasad. During investigation, the name of the accused petitioner surfaced from suspicion. From perusal of the records, it also appears that the name of the petitioner surfaced from his self confessional statement. Petitioner has not put on Test Identification Parade by the Investigating Officer till date. From perusal of the impugned order and re-statement of the informant that there is no any whisper regarding the present petitioner and



also there is no any recovery from the conscious possession of the petitioner, no eye witness of the alleged occurrence, accordingly the prayer for bail of the petitioner is allowed. Chargesheet has already been submitted in this case as staed by learned counsel for the petitioner. Similarly situated co-accused person namely Nitish Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 25644 of 2024 vide order dated 10.04.2024, 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 Chief Judicial Magistrate, Jehanabad in connection with Ghoshi P.S. Case No. 703 of 2023.

(Ramesh Chand Malviya, J)

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