

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67078 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SUGAULI District- East Champaran

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Sravan Kumar, S/O Shambhu Kunwar @ Shambhu Singh, Resident Of
Village- Kishanmari, P.O and P.S- Riga, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate
For the State : Mr. M.K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Sugauli P.S. Case No. 65
of 2024 registered for the offence punishable under Section 302
of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the husband of the informant was
going to Motihari in his car and when he reached near Toll Tax
at Sugauli at about 1:00 PM, some of the miscreants surrounded
him and made indiscriminate firing resulting into his death.

4. Learned counsel for the petitioner contended that
the FIR has been instituted against unknown miscreants
however, when the re-statement of the informant was recorded



by the police wherein she has narrated that the husband of informant was indulged in property dealing business and on the alleged date of occurrence, the petitioner went to *Hawai Adda Chowk* where the soil filling work was going on. On the afore noted place, the deceased met with the co-accused Santosh Singh @ Santosh Kumar Singh and others. Thereafter, he went to Motihari and in the way he was killed. Barring suspicion against the persons including the petitioner, who were involved in property dealing, there is no material. It is also contended that subsequently the petitioner was apprehended by the police and his confessional statement was recorded which is obviously hit by Section 25 of the Indian Evidence Act. There is no incriminating material suggesting complicity of the petitioner in the present crime.

5. Drawing the attention of this Court to the postmortem report learned counsel for the petitioner submitted that the report clearly suggests that the postmortem of the dead body was conducted at 5:35 PM on 11.02.2024. The time elapse since death is shown to be 6 to 18 hours. Thus, it clearly suggests that the deceased was done to death prior to 11:00 AM on 11.02.2024. However, the case of the prosecution is that the deceased died at 1 O'clock this clearly falsifies the entire prosecution case. It is next contended that there is no eye-



witness to the alleged occurrence and the entire case is based on suspicion. Only because of the fact that the petitioner is also associated with persons, who are engaged in property dealing business with the deceased his name has been implicated in this case. It is lastly contended that one of the co-accused persons namely Santosh Singh @ Santosh Kumar Singh has been allowed the privilege of bail by this Court vide order dated 26.07.2024 passed in Criminal Misc. No. 34904 of 2024. Now the petitioner is in custody since 18.04.2024 and investigation of the crime is complete.

6. On the other hand, learned APP for the State as well as learned counsel for the informant vehemently oppose the bail application and submits that the petitioner is the person who has confessed his complicity and his associate has also sent the photograph of the car from which the petitioner was going to Motihari and in the way killed by the miscreants. In such circumstances, the complicity of the petitioner in the crime cannot be denied. That apart, the petitioner bears two criminal antecedent and from his possession, a mobile was recovered.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no eye witness to the occurrence; the entire case is based on suspicion and at best the confessional statement of the petitioner; the



postmortem report does not corroborate the time of death and moreover the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Sugauli P.S. Case No. 65 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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