

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68753 of 2024

Arising Out of PS. Case No.-212 Year-2024 Thana- SHAMBHUGANJ District- Banka

Binod Sah S/O Laxmi Sah Resident Of Village- Mirjapur, PS- Shambhuganj,
Distt-Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the State : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-11-2024 Heard Mr. Praveen Kumar, learned counsel for the

Petitioner and Mr. Anand Kishore Choudhary, learned APP for

the State.

2. Petitioner seeks regular bail in connection with
Shambhuganj P.S. Case No. 212 of 2024 dated 09.07.2024
registered for the offences punishable under Sections 103(1),
238(a) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short
'BNS').

3. The main submissions advanced by learned counsel
for the petitioner are that though the petitioner is named in the
FIR but against him as well as other co-accused persons, the
informant simply raised suspicion and the informant is not
stated to be an eye-witness of the alleged murder, during
investigation, all the material witnesses including the informant
simply stated that they had the belief that the murder of the



victim might have been committed by this petitioner and co-accused who are named in the FIR but except this bald suspicion there is no material against this petitioner and even the prosecution has not got any circumstantial evidence against him to show his involvement in the alleged occurrence. Learned counsel further submits that the petitioner has fair and clean antecedent and he was arrested from his house which also proves his innocence and further, prior to the commission of the alleged occurrence, no any complaint or case was lodged in respect of the alleged threatening. It is further submitted that the petitioner has been languishing in jail since 09.07.2024 and against him, the investigation has been completed.

4. Though learned APP appearing for the State has opposed the prayer for bail of the petitioner but fairly accepted that there is no direct or circumstantial evidence against this petitioner except the suspicion raised by the informant and other prosecution witnesses during investigation.

5. Having considered the facts and circumstances of this case as well as above submissions and mainly the facts that in respect of the petitioner's involvement in the commission of the alleged crime, the prosecution is mainly relying upon the suspicion raised by the informant and other witnesses, except



this, the prosecution has not pointed out any material against this petitioner and further the petitioner has fair and clean antecedent and against him the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Shambhuganj P.S. Case No. 212 of 2024.

(Shailendra Singh, J)

maynaz/-

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

