

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70647 of 2024

Arising Out of PS. Case No.-201 Year-2024 Thana- SAUR BAZAR District- Saharsa

Kanhaiya Kumar Singh @ Kanhaiya Kumar @ Yubraj Singh S/o- Shri Ram
Chandra Prasad Singh Village- Rauta Khem, P.S.- Sour Bazar, District-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ved Prakash Chandan, Adv.

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-11-2024 Heard Mr. Rajesh Kumar Pandey, learned counsel for

the petitioner and Mr. Chaubey Jawahar learned APP for the

State. Perused the case diary.

2. The petitioner seeks bail in connection with
Saurbazar P.S. Case No. 201 of 2024 instituted for the offences
under Section 302 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of being involved in the commission of murder of
the Informant's brother.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
out of oblique reason and due to enmity and village politics. The



petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of the confessional statement of co-accused Abhishek Singh with whom the petitioner has enmity. He further submits that the co-accused Abhishek Singh in his confessional statement has named one Shivam Singh who has attacked on the head of the deceased by rod due to which Daulat Kumar Singh died. There is not an iota of evidence in the entire record of this case against the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature rather the specific allegation of assault is on co-accused Shivam Singh. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.06.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that though the petitioner is not named in the F.I.R. but, his name has sprung in this case on the basis of the confessional statement of co-accused Abhishek Singh in which he has confessed that in furtherance of common intention, he killed the Informant's brother by hatching conspiracy. Several witnesses



have also supported the case. The allegation made against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Saurbazar P.S. Case No. 201 of 2024.

(Rudra Prakash Mishra, J)

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