

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73587 of 2023

Arising Out of PS. Case No.-381 Year-2023 Thana- SARAIYA District- Muzaffarpur

Sarbesh Kumar, Male, aged about 36 years, Son of Diplal Paswan @ Deeplal Paswan, Resident of village - Kandh Chainpur, P.S.- Kartahan, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha,, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 26-02-2024 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Saraiya PS Case No. 381 of 2023 instituted for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

3. As per the prosecution case, informant's son was murdered by the co-accused persons.

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 merely on the basis of mere suspicion. He has not named in the FIR and there is no eye witness to the occurrence. His name surfaced in the confessional statement of a co-accused. Except confessional statement no any



direct or circumstantial evidence or any other material which shows the complicity of the petitioner. Petitioner has got no criminal antecedent

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and impugned order of the learned 20th Additional District and Sessions Judge, Muzaffarpur dated 26.09.2023, it appears that petitioner is not named in the FIR and his name transpired in this case from the confessional statement statement of co-accused Raushan Kumar. Petitioner is in custody since 20.07.2023, accordingly the prayer for bail of the petitioner is allowed. 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 A.C.J.M.-IV, Muzaffarpur in connection with Saraiya PS Case No. 381 of 2023.

(Ramesh Chand Malviya, J)

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