

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78308 of 2023

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

Raushan Kumar Son Of Suresh Prasad Sah Resident Of Village- Kanchanpur
Dhanushi, P.S. - Kartaha, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner, learned APP
for the State.

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 is 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. Similarly situated co-accused person, namely, Sarbesh Kumar has already been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 73587 of 2023 vide order dated 26.02.2024.

5. Learned APP for the State 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 of co-accused person. 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.- 4th, (West) Muzaffarpur in connection with Saraiya PS Case No. 381 of 2023.

(Ramesh Chand Malviya, J)

saaurabhkr/-

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

