

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77571 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- FALKA District- Katihar

Vishnu Kumar Sah Son of Sharwan Sah Resident of Village - Lila Ghat Bind
Toli, P.S. - Falka, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramadit, Advocate
For the State : Mr. Shailendra Kumar, APP

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

ORAL ORDER

3 18-12-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Falka
P.S. Case No. 04 of 2024 instituted for the offence under
Sections 307, 302 & 34 of the Indian Penal Code and Section 27
of the Arms Act.

3. Prosecution case in short is that husband of the
informant and his shop's staff were fired by the unknown
miscreants. Husband of the informant was declared dead by
Falka PHC, while staff of the shop died during the course of
treatment.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 04-04-2024. Petitioner



bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner transpired in this case on the basis of confessional statement of co-accused, which has no evidentiary value in the eye of law. It is submitted that inquest report of the husband of the informant was prepared on 02-01-2024 while *Fardbeyan* was registered on 03-01-2024. It is submitted that statement of the informant was recorded by police and from bare perusal of the same, it appears that instead of the informant, sister of the informant has given the statement and she has referred the deceased as her brother-in-law (*Jeeja*) in the entire further investigation. There is no specific allegation attributed to the petitioner, rather there is general and omnibus allegation levelled against the petitioner. Specific allegation is against co-accused, namely, Jitendra Yadav, who fired upon the husband of the informant and co-accused, namely, Manohar Yadav, who fired upon the shop's staff of the informant and he succumbed to the injuries. It is submitted that charge sheet has already been submitted in this case. It is submitted that FIR named accused person has been



granted bail by this Court *vide* order dated 26-07-2024, passed in Cr. Misc. No. 39508 of 2024.

6. Learned A.P.P. for the State and learned senior counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that the present one is the case of double murder. It is submitted by learned counsel for the State that the case has been supported by witnesses in their statement, which fact finds mention in paragraph No. 8, 9, 10 & 11 of the case diary. Referring to paragraph No. 47 of the case diary, it is submitted by learned counsel appearing on behalf of the State that allegation of firing upon the husband of the informant is specifically attributed to the co-accused, namely, Jitendra Yadav, whereas firing upon the shop's staff is attributed to the Manohar Yadav, who succumbed to the injuries.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no specific allegation attributed to the petitioner nor there is any cogent material available in the case diary against the petitioner, rather allegation of firing is against co-accused Jitendra Yadav and Manohar Yadav, which fact finds mention in paragraph No. 47 of the case diary, and charge sheet being submitted, this



Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Falka P.S. Case No. 04 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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