

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83476 of 2023

Arising Out of PS. Case No.-855 Year-2022 Thana- GAYA MUFASIL District- Gaya

Shekhar Kumar @ Chandra Shekhar Prakash Son Of Pradeep Kumar Paan
R/O Mohalla- Manpur, Gandhi Nagar, P.S.- Muffasil, District- Gaya

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 4 16-05-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned counsel appearing on behalf

of the State.
2. The petitioner seeks bail in connection with

Gaya Muffasil P.S. Case No. 855 of 2022 registered for

the offence under Sections 302, 34 of the Indian Penal

Code read with under Section 27 of Arms Act.
3. The accused/petitioner is named in the F.I.R.

and is in custody since 14.08.2023.
4. The allegation against this petitioner is to

commit murder of son of informant alongwith other co-

accused persons by causing bodily injuries using rod,



hasuli, butt of pistol etc. out of previous occurrence, where a fire was developed in the crackers shop of petitioner due to mistake of deceased.

5. Learned counsel appearing on behalf of the petitioner submitted that as per the narration of F.I.R., informant not appears to be an eye witness of the occurrence and the maximum allegation what appears against this petitioner is that he found on "last occasion" with deceased son of the informant alongwith other named co-accused persons. It is submitted that informant out of suspicion, as petitioner was equipped with hasuli, where last seen with deceased, gathered impression that his son died out of assault caused by this petitioner. It is further submitted that except above suspicion, nothing surfaced incriminating during the course of investigation as to incriminate this petitioner. It is pointed out by learned counsel that as per written information, this petitioner was equipped with pistol but from the post-mortem report, it is apparent that the



death was not caused by firearm injuries rather assault appears to be caused by hard and blunt substances, which also *prima facie* negating the allegation *qua* petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, and by taking note of the fact as save and except suspicion, nothing appears incriminating as to connect petitioner with present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.08.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Gaya Muffasil P.S. Case No. 855 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of
learned Judicial Magistrate, 1st Class, Gaya/concerned
Court, subject to the conditions as mentioned under
Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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