

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7688 of 2024

Arising Out of PS. Case No.-83 Year-2013 Thana- GHOGHARDIHA District- Madhubani

Pawan Sah @ Pawan Kumar Sah SON OF SANT LAL SAH RESIDENT OF
VILLAGE- CHHAJANA, PS- LAUKAHI, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 05-07-
2024

Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, it is alleged that while the brother of the informant namely, Umesh Prasad was coming from his motorcycle, the miscreants fired from their pistol, as a result of which he sustained gunshot injuries and died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR. Other co-accused Ram Yadav and Laxman Yadav have been arrested who confessed the name of the petitioner in their confessional statement vide para 42 &



43 of the case diary. It is further submitted that the confession before police is inadmissible in the eye of law. During course of investigation, neither consistent evidence has come against the petitioner nor any incriminating article has been recovered from his conscious possession. It is also submitted that no one seen the alleged offence committed by this petitioner. The petitioner is languishing in judicial custody since 13.9.2019. Moreover, other co-accused Shaukin Yadav has already been enlarged on bail by this Court vide order dated 19.9.2029 passed in Cr. Misc. No. 18836 of 2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner has got several criminal antecedents.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Ghoghardiha P.S. Case No. 83 of 2013 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Jhajharpur with subject to following conditions:-

(i) the petitioner shall co-operate in the trial and shall be



present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) In case, the petitioner tampers with the evidence or threatens the witnesses, his bail bonds will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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