

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4947 of 2024

Arising Out of PS. Case No.-195 Year-2014 Thana- BIHPUR District- Bhagalpur

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Fucho Kumar @ Fucho Kuwar @ Ranjeet Kumar @ Ranjit Kuwar Late
Nepali Kumar @ Sunil Kumar R/O Village- Sonbarsa, P.S.- Bihpur, District-
Bhagalpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 5 26-04-2024 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
- Bihpur P.S. Case No. 195 of 2014 registered for the
- offence under Sections 302/34 of the Indian Penal Code,
- 1860 and Section 27 of Arms Act, 1559.
3. The accused/petitioner is not named in the
- F.I.R. and is in custody since 03.11.2023.
4. The allegation against the petitioner is to
- commit the murder of son of informant alongwith other



named co-accused persons by causing firearm injuries, where alleged occurrence of murder committed after kidnapping the son of informant.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR. It is submitted that from the narration of FIR itself, it can be gathered safely that informant is not the eye-witness of the occurrence, but even though, out of previous enmity and on the ground of suspicion, he named four co-accused persons without naming petitioner. It is submitted that name of petitioner surfaced during course of investigation, when re-statement of informant was recorded. It is submitted that it was so, then petitioner must be named in FIR but subsequently, out of local disputes and differences, in planned and formulated manner, he was implicated with present case. It is submitted that petitioner was initially one of the witness of seizure list, where blood stained soil was seized from the place of occurrence. It is also



submitted that except naming this petitioner through re-statement, nothing incriminating surfaced during the course of investigation, as to connect petitioner with present occurrence of murder. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail fairly conceded that petitioner was not named in the FIR.

7. Considering the facts and circumstances as mentioned above and by taking note of fact as petitioner was named only through re-statement of informant, who was earlier the prosecution witness of seizure list, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.11.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Bihpur



P.S. Case No. 195 of 2014 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IIIrd, Naugachia/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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