

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6731 of 2025

Arising Out of PS. Case No.-136 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Sudama Kumar @ Sudama Ray @ Sudama Yadav S/o Radheyshyam Yadav
@ Radheshyam Ray Resident of village - Bijbani, Baraiya Tola, P.S. - Jitna,
Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ghorasahan P.S. Case No. 136 of 2023 registered for the alleged offences under Sections 394, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, while the brother of the informant was returning home after closing his shop, he was shot dead by unknown miscreants and cash of Rs.6,35,000/- being carried by the deceased was taken away by the miscreants. The name of the petitioner transpired during investigation for being involved in the said occurrence along with other co-accused persons.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in the confessional statement of co-accused persons otherwise there is no material to show the involvement of the petitioner in the alleged occurrence. Learned counsel further submits that there is no eye witness to the occurrence and nobody claimed that the petitioner was seen with the deceased. Nothing incriminating has been recovered from the possession of the petitioner and even in the confessional statement no overt act for harming the deceased has been alleged. Learned counsel further submits that it has been wrongly mentioned in the rejection order that the petitioner shot dead the brother of the informant. Learned counsel further submits that the petitioner is having clean antecedent and he is in custody since 20.11.2024 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner's name came up in this case when other co-accused persons were apprehended and they disclosed that this petitioner was also involved in snatching the money from the deceased.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



lack of substantive material against the petitioner and further considering his clean antecedent, period of custody and submission of charge sheet, the petitioner above named is directed to 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 learned Additional Chief Judicial Magistrate-IIIrd, Sikrahna at Dhanka, Motihari, East Champaran/concerned Court in connection with Ghorasahan P.S. Case No. 136 of 2023, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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