

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27119 of 2025

Arising Out of PS. Case No.-337 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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Suman Saurabh S/o Rakesh Jha Resident of village- Telhara Kala, P.S.-
Kundwachainpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rajendra Prasad Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bettiah Town P.S. Case No. 337 of 2017, registered for the offences under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, an under trial prisoner was being escorted after producing him before the learned Judicial Magistrate, some criminals fired upon the under trial prisoner, killing him on the spot. The name of the petitioner transpired during investigation for being involved in the said occurrence.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was named in this case on the basis of confessional statement of co-accused Suraj Mahto who has been granted bail vide order dated 16.04.2019 passed in Cr. Misc. No. 3596 of 2019 by the learned Single Judge of this Court. Learned counsel further submits that this co-accused was identified in Test Identification Parade but the petitioner has not been put to any Test Identification Parade and his case is on much better footing than the co-accused who has been granted bail by the Co-ordinate Bench of this Court. Learned counsel further submits that none has claimed to see the petitioner at the place of occurrence and during the whole investigation no cogent or direct evidence has been found showing complicity of the petitioner in the alleged occurrence. Learned counsel further submits that altogether 12 persons have been granted bail by Co-ordinate Benches of this Court and one co-accused has been granted anticipatory bail. Learned counsel further submits that prayer for bail of this petitioner was rejected on the ground that petitioner was having antecedent of 12 cases but the petitioner is acquitted in one case and he is on bail in all other cases. The petitioner is in custody since 14.05.2020 but trial has not proceeded an inch and even charges have not been



framed.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner and further considering unlikelihood of completion of trial in near future, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., West Champaran, Bettiah/concerned court, in connection with Bettiah Town P.S. Case No. 337 of 2017, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial court.

(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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