

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34107 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- GAURICHAK District- Patna

Suraj Rai @ Suraj Gope @ Surja @ Suraj Gop @ Suraj Ray @ Suraj S/O
Late Shiv Rai R/O Sampatchak, P.S- Gopalpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Raj, Adv
Mr. Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, Adv.
For the Informant : Mr. Ranjit Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 08-10-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Gaurichak P.S. Case No. 202 of 2024 registered for the
offence under Sections 302, 34 of the I.P.C. and 27 of Arms
Act.

3. The petitioner is not named in the F.I.R. and is in
custody since 25.11.2024.

4. As per FIR, deceased son of informant went to
attend meeting called by named accused persons to settle
previous pending criminal cases, where named accused
persons open fire upon the son of the informant leading to his
death on spot. It is alleged that 5-6 unknown persons were



also involved in the occurrence.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not named in FIR and his name transpired during course of investigation first time on the basis of suspicion raised by police spy. It is pointed out that even informant not stated anything incriminating while recording his re-statement during investigation against this petitioner and also another witness namely Kameshwar Prasad who accompanied informant *qua* his involvement with crime in question. It is pointed out that specific allegation to open fire leading to death of son of informant is available against Madan Kumar, Vimlesh Singh and Ram Kumar. Arguing further it is submitted that during course of investigation the name of petitioner also surfaced out of confessional statement of accused namely Madan Kumar and co-accused Md. Danish @ Salu who has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 35169 of 2025 dated 29.05.2025. In this connection it is further submitted that confession of co-accused persons speaks that this petitioner



was found involved in conspiracy being one of the conspirator but much before the date of occurrence i.e., 04.05.2024 the petitioner was in judicial custody since 14.03.2024 in connection with Gopalpur P.S. Case No. 127 of 2024, therefore there is no occasion even for any conspiracy. It is pointed out that out of previous enmity petitioner implicated with present case. While concluding the argument, it is submitted that petitioner found involved in six more criminal cases where he is on bail and moreover, 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 duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that petitioner found actively involved during the occurrence in which the son of informant was killed.

7. In view of aforesaid factual submission and by taking note of fact as save and except suspicion arising out of reporting made by police spy and confessional statement of co-accused nothing incriminating transpires against this



petitioner as to suggest his involvement *prima-facie* with present crime in question, coupled with fact that investigation of this case already completed, where petitioner remains in custody since 25.11.2024, accordingly petitioner above named, is directed to be released on bail in connection with Gaurichak P.S. Case No. 202 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM VI, Patna City, Patna /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

