

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51820 of 2024

Arising Out of PS. Case No.-787 Year-2023 Thana- SAHPUR District- Patna

Harsh @ Harsh Raj @ Sunny Kumar, Male, aged about 27 years, son of Arun Kumar @ Arun Yadav, R/O Village- Nayatola, RPS More, Near Lalu Khatal, P.S.- Danapur, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Pushkar Narayan Shahi, Sr. Advocate, Mr. Amith Anand, Advocate and Mr. Shivam, Advocate and Mr. Deep Shekhar, Advocate
For the Opposite Party	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

14 28-03-2025 Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Shahpur P.S. Case No. 787 of 2023 dated 24.12.2023 registered for the offences punishable under Section 302 read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 24.12.2023, in the morning, the informant's father Binay Kumar Singh received a call on his mobile and the caller wanted to meet him who was trying to know his current address for the last four months. The same caller called him from a different mobile number and asked him to meet him. Accordingly, he met him at Dibra More



and then the said person got him to sit on his bike and took him to some distance ahead and got down from the bike and asked him to go home. When he was returning back, he was shot dead, It is further alleged that a case was going on between the informant's father and the co-accused Ranjeet Kumar, Kusum Devi and Ajay Singh in which his father was acquitted by the court, due to which, the aforesaid persons committed murder of the informant's father Binay Kumar Singh.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case only on the basis of the confessional statement of the co-accused. It is further submitted that the petitioner has been remanded in the present case from Rupaspur P.S. Case No. 311 of 2023 in which he was in custody since 23.12.2023 whereas the alleged occurrence took place on 24.12.202. It is further submitted that the petitioner was granted bail by a Bench of this Court vide Cr. Misc. No. 14583 of 2014 under order dated 21.06.2024 in Rupaspur P.S. Case No. 311 of 2023. It is further submitted that even in CCTV footage, the petitioner has not been identified by the police nor he has any connection with



the alleged offence. It is further submitted that during the course of investigation, it has transpired that there was dispute between the deceased and his cousin brother in which his cousin brother was murdered 31 years ago and the deceased was in custody for almost six years in that case, therefore, it is quite possible that due to existing animosity, the deceased has been killed and thereafter the petitioner has falsely been implicated in the present case. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 06.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Danapur or any of its available successor court in connection with Shahpur P.S. Case No. 787 of 2023 with further condition:-

I. The petitioner is directed to remain physically present before the learned court



below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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