

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 89878 of 2024

Arising Out of PS. Case No.-72 Year-2012 Thana- BAKHARI District- Begusarai

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Ajay Singh @ Ajay Mahto, S/O Late Arjun Prasad Singh, R/O Village-
Bhadas South, P.S- Muffasil, Distt.- Khagaria. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar, Advocate

For the Opposite Party/s : Mr.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Bakhri P.S. Case No. 72 of 2012 registered for the offences

under Sections 341, 324, 307, 109, 120B of the Indian Penal

Code and Section 27 of the Arms Act.

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

custody since 18.01.2024.

4. The allegation against the petitioner is to open

fire upon the informant alongwith unknown co-accused

persons, where during the occurrence, the informant received

firearm injuries. The occurrence alleged to be arising out of

previous enmity. Informant claimed to identify accused

persons upon production.

5. Learned counsel appearing on behalf of the

petitioner submitted that the name of this petitioner



transpires during the course of investigation on the basis of confessional statement of co-accused, namely Ajay Singh @ Ajay Mahto, in furtherance of which no incriminating material recovered/surfaced which may connect petitioner *prima facie* with the present occurrence of firing. It is submitted that the other co-accused persons having similar allegations granted bail by this Court and also the learned co-ordinate Bench of this Court. In this connection, it is pointed out that co-accused, namely, Vijay Yadav having similar allegation was granted bail by learned co-ordinate Bench of this Court through Cr. Misc. No. 28091 of 2012 dated 03.08.2012. It is also submitted that petitioner was not put on TIP as yet, despite of claim of identification by informant. It is also pointed out by learned counsel that the petitioner implicated with this case also on the basis of suspicion arising out of his criminal antecedents, as he found involved in eight more criminal cases, where he is on bail and in maximum of cases his name transpired on the basis of confessional statement as of present case, having no evidentiary value under the law. While concluding the argument, it is submitted that



investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of the facts and circumstances as save and except suspicion arising out of confessional statement of co-accused *prima facie* nothing incriminating appears against this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 18.01.2024, accordingly, petitioner, above named, is directed to be released on bail in connection with Bakhri P.S. Case No. 72 of 2012 (S.T. No. 836/12) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge 1st, Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./ 480(3) of the BNSS.

(Chandra Shekhar Jha, J)

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