

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54126 of 2016

Arising Out of PS.Case No. -571 Year- 2016 Thana -SIWAN CITY District- SIWAN

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1. Amarnath Gupta @ Raju Haddi, son of late Basudev Narayan, resident
of Nai Kila, Chik Toli, P.S.- Siwan Town, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 16-01-2017

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The Petitioner seeks bail in Siwan (Town) P.S. Case
No.571 of 2016 instituted for the offence under Section(s) 302,
120-B/34 Indian Penal Code.

It is alleged that on 19.09.2016 at about 8.30 AM,
brother of the Informant, Jitendra Kumar Soni @ Jarlahwa, went
to the house of the petitioner Amarnath Gupta @ Haddi stating
that after receiving the money he will return back and will get the
gas cylinder filled up and at about 9.25 PM, the Informant
received information on telephone of his son that someone had
fired at Jitendra Kumar Soni @ Jarlahwa near Andar Dhala. The
Informant rushed there and saw the police carrying his brother to
Sadar Hospital. The Informant went to the Hospital where he was



declared dead. It is alleged that Amarnath Gupta (petitioner) had taken rupees five lacs from his brother for providing land but he neither provided the land nor returned the money.

Learned Sessions Judge has mentioned in the impugned order that the name of this petitioner has come in para 33 of the Case Diary in the confessional statement of Gopi Chand Kumar, who has stated that on 18.09.2016, the deceased had gone to the house of this petitioner, but he was not present there and after that the accused petitioner contacted him and gave proposal of rupees one lac to kill Jitendra Soni @ Jarlahwa. The learned Sessions Judge has further mentioned that the police has recorded the confessional statement of this petitioner in para 51 of the Case Diary, wherein, he has confessed his guilt.

Learned counsel for the petitioner submits that there is statement of independent witnesses in para 5, 6 of the Case Diary, wherein, the witnesses have stated that it was not known as to who fired at Jitendra Soni @ Jarlahwa. Both the witnesses have stated that the deceased himself was a man of criminal antecedents. Learned counsel further submitted that in para 11 of the Case Diary, it is mentioned that 11 cases were pending against the deceased. Counsel for the petitioner submits the deceased might have been killed in group rivalry. It is submitted that the



petitioner is in custody since 24.09.2016.

Be that as it may, from the written report as well as the statement in the Case Diary, it appears that there is no allegation of any overt act against the petitioner. The name of the petitioner has come in the confessional statement of Gopi Chand Kumar in para 33 of the Case Diary. The police has also recorded the confessional statement of this petitioner in para 51 of the Case Diary. As mentioned, there is no material against the petitioner in the Case Diary with regard to commission of murder of the deceased.

In the circumstances, let the Petitioner, above named, be released on bail on furnishing bail bond of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan, in connection with Siwan (Town) P.S. Case No.571 of 2016, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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