

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16241 of 2019

Arising Out of PS. Case No.-221 Year-2018 Thana- SIMRI District- Buxar

1. Ram Ikbal Tatwa Son of Late Madan Tatwa R/o Adarsh Nagar, P.S.- Simri Hata, District- Buxar.
2. Bashisth Kumar Tatwa Son of Ram Ikbal Tatwa R/o Adarsh Nagar, P.S.- Simri Hata, District- Buxar.
3. Surendra Prasad Tatwa @ Bikau Tatwa @ Surendra Prasad Son of Nathun Prasad @ Nathun Tatwa R/o Adarsh Nagar, P.S.- Simri Hata, District- Buxar.

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 21-05-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek bail in connection with Simri (T.R.H. O.P.) P.S.Case No. 221 of 2018 registered under Sections 302 and 201/34 of the Indian Penal Code.

Mr. N.K. Agrawal, learned senior advocate appearing for the petitioners submitted that save and except wild suspicion and hypothetical presumption there is no other legal material to connect the petitioners with the offence alleged. He contended that the case was registered against unknown and merely on the basis of some confidential information received from the spies,



the petitioners have been remanded to judicial custody on 30.10.2018.

Per contra, learned counsel appearing for the State submitted that as far as petitioner no.2 is concerned, the police had recovered three sticks from his house showing blood-stains. He submitted that some spies have made their statement before the police that they have come to know that the petitioners were the persons involved in the commission of the offence. The supervision note also goes to suggest that the petitioners were involved in the commission of the crime.

In reply, it has been submitted by the learned senior advocate for the petitioners that the post-mortem report would show that the deceased had sustained only bruises and abrasions and as such the recovery of sticks having blood-stains has no relevancy and would not connect even petitioner no.2 with the offence alleged. The supervision note is only the opinion of the supervising officer and the information by unknown spies cannot be a ground for rejection of bail.

Considering the submissions made above, the statement made in para 3 that the petitioners have no criminal antecedent and the fact that they have remained in custody since 30.10.2018 as under-trial prisoners, they are directed to be



released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Buxar in connection with Simri (T.R.H.O.P.) P.S. Case No. 221 of 2018, subject to the conditions :

(a) that the petitioner shall attend court in accordance with the conditions of the bond executed;

(b) that the petitioner shall not commit an offence similar to the offence of the present case; and

(c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

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