

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2688 of 2020

Arising Out of PS. Case No.-229 Year-2019 Thana- PIRO District- Bhojpur

JITENDRA YADAV @ JITU YADAV Son of Ramsurat Singh Resident of
Village - Balua Tola, P.S. - Piro, Dist. - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 26-06-2020 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner and Mr. Raj Ballabh Singh, learned A.P.P. for the

State through Video Conferencing.

The petitioner seeks bail in Piro P.S. Case No.229 of
2019 registered under Sections 302, 114, 120B of the Indian
Penal Code and Section 27 of the Arms Act.

The informant in sum and substance alleged that on
12.08.2019, he along with his *Fua* Dewanti Kuer had gone to
see her sister(Fulmanti Devi) and thereafter they were returning.
When they were staying under a tree, on two motorcycles, four
persons, two on each, came. One person fired on his *Fua* and it
is said that the informant wanted to get the land of his *Fua*
executed in his name. Immediately thereafter, Surendra Mahto,
Satyendra Mahto, Ajit Kumar@ Bhuwar also came there on a



Bolero and exhorted to kill and fire so that Dewanti might not survive.

The learned counsel for the petitioner submits that petitioner is not named in the F.I.R. Nothing has been recovered from the possession of the petitioner. Even after during arrest, the petitioner was not put on T.I.P. The petitioner is the eye witness of the occurrence and he must have identified the accused by their face. For the first time, the name of the petitioner surfaced in the case in the statement of police spy. In para 65 of the case diary, the telephone location of the petitioner was traced and petitioner was found near his house. One Lala disclosed that the informant suspected the hands of the petitioner in the killing of his *Fua* and thereafter in para 128 to 131 of the case diary, the witnesses only suspected the hands of the petitioner. They are not the eye witness of the occurrence. They have not disclosed that from whom they knew about the participation of the petitioner in the crime. One of the co-accused namely, Ajit Kumar @ Bhuwar who is named in the F.I.R. and alleged to have arrived at the place of occurrence immediately after the occurrence and instigated the accused persons to kill Dewanti Kuer had already been granted bail by order dated 17.12.2019 passed in Cr. Misc. No.79933 of 2019.



The case of the petitioner stands on the better footing.

Learned A.P.P. however opposed the prayer for bail but could not be able to show that anybody say the petitioner killed Dewanti Kuer. Even after during arrest, the petitioner was not put on T.I.P.. Of course, the petitioner has got criminal antecedent but there appears that save and except the suspicion and hearsay witness, there appears no tangible material to connect the petitioner in the murder of Dewanti Kuer.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro P.S. Case No.229 of 2019.

(Prabhat Kumar Jha, J)

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