

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17974 of 2021**

Arising Out of PS. Case No.-218 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

AMIT SINGH @ DHIRU DADA Son of Late Om Nath Singh Resident of
Village- Khajoor, P.S.- Durgawati, District- Kaimur (Bhabhua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vipin Kumar,Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 01-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Satyendra Narayan Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Durgawati P.S. Case No. 218 of 2019 registered for the offences punishable under Sections 302, 201, 34, 396, 412, 120(B) of the Indian Penal Code. He is in custody since 09.09.2019. He has otherwise no criminal antecedent.

As per the prosecution story, the Choukidar of Durgawati Police Station in the District of Kaimur heard a rumour on 4.8.2019 that one person has been murdered and his dead body has been thrown on the nahar road. The Choukidar



reached there and found that beside the road near a ditch one dead body of a person whose both hands and legs were tied with cloth was lying and it was noticed that his neck was slit by some sharp-edged weapon. The dead body could not be identified.

In course of investigation, one Lal Babu Baitha made a confessional statement and disclosed the names of Ajit Chaurasia @ Dipu Chaurasia, Anuj Kumar, Akshay Kumar, Suraj Yadav @ Chhotu, Mitesh Kumar and Hussain Ali apart from this petitioner.

Learned counsel for the petitioner submits that co-accused Akshay Kumar and Hussain Ali has also been identified in the test identification parade, however, both of them have been granted bail by two learned Co-ordinate Benches of this Court in Cr. Misc. No. 80745 of 2019 and Cr. Misc. No. 76905 of 2019. Further, the co-accused Chhotu Yadav, Ajit Chaurasia and Anuj Kumar have also been granted bail in Cr. Misc. No. 74061 of 2019, Cr. Misc. No. 75135 of 2019 and Cr. Misc. No. 70692 of 2019.

Learned counsel submits that in the above circumstance where there is no distinguishable material against the petitioner, he has remained in jail for over two years but the trial is not likely to be concluded in near future, this Court may



enlarge the petitioner on bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but on query made by this Court, learned APP is unable to distinguish the case of the petitioner from that of the co-accused.

This Court has also called for a report from the learned trial court and the report dated 20th July, 2021 says that the record is running at the stage of evidence of prosecution. There are altogether 18 witnesses in the chargesheet but no witness has been examined, firstly due to Covid situation and further that most of the witnesses are from the other States like U.P. and Punjab and their evidence could not be recorded due to their non-appearance.

Considering the facts and circumstances of the case, the non-distinguishable feature of the case of the petitioner from that of those co-accused who have been granted bail by the learned Co-ordinate Benches of this Court, the period of custody being two years, the petitioner has no criminal antecedent and out of 18 witnesses, not a single witness has been examined so far, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each



to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 218 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

