

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20203 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Nitesh Singh @ Ritesh Kumar Son of Jitendra Singh Resident of Village -
Pakdi Aasli, P.S.- Sahebganj, Distt.- Muzaffarpur ... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Arvind Kumar Verma, Advocate

For the Opposite Party : Mr.BP Singh, Advocate

Mr. AK Rakesh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 04-10-2021 Heard the petitioner, the State, the informant and perused the case diary.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, petitioner and co-accused Rama Kant Tiwary invited the informant's husband to the home for lunch. Meanwhile, she heard that her husband has been killed and when she rushed to the place of occurrence, she saw her husband's dead body was lying near the house of co-accused Devendra Singh. Informant suspects the hand of the petitioner and other accused persons, named in the FIR, in the murder of her husband.

Learned counsel for the petitioner submits that the petitioner is innocent and have falsely been implicated in this case on the basis of previous enmity. Informant is not the eye witness of the occurrence and save and except suspicion, no other substantive evidence has been collected to suggest the implication of the petitioner in the present case. It is further submitted that on the previous occasion, deceased had assaulted said Devendra Singh for which he had lodged Sahebganj Police Station Case No. 298/2020 against the



deceased and he was pressuring said Devendra Singh to compromise the case. Petitioner has claimed clean antecedent and he is in custody since 10.09.2020. Similarly situated co-accused Devendra Singh and Shashi Bhushan Singh have already been allowed bail by this Court vide order dated 5.8.2021, passed in Cr.Misc.No. 11454/2021. Charge sheet has already been submitted.

Learned counsel appearing for the State and the informant oppose the prayer for bail and submit that it has come during course of investigation that the petitioner in collusion with other accused persons, named in the FIR, have killed the husband of the informant.

Considering the rival submissions of the parties, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in Sahebganj Police Station Case No. 490 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

Shashi

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(Prabhat Kumar Singh, J)

