

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27436 of 2021

Arising Out of PS. Case No.-630 Year-2019 Thana- MINAPUR District- Muzaffarpur

BHAN JEE @ UDAY SINGH, Son of Late Jagarnath Singh, Resident of
Village- Jhitkahiya, P.s.- Minapur, District- Muzaffarpur

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Nachiketa Jha, Adv.

For the Opposite Party : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

Petitioner who is in custody since 08.01.2020 seeks
regular bail in connection with Minapur P.S. Case No. 630 of
2019 registered for offences punishable under Section 364/34 of
the Indian Penal Code and later on Sections 302/120B/34 of the
Indian Penal Code have been added.

Prosecution case based on the written information of
one Geeta Devi, who is the wife of the deceased that her
husband proceeded for Patna on 25.12.2019 but did not return.
On search some villagers told that the deceased was seen along
with Ramashish Manjhi who has left the deceased at the house
of the petitioner. It has further been alleged that on the basis of
search made by the sniffer dog of the Police Department certain
incriminating articles such as blood stained lungi as well as
other clothes were recovered from the house of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that there is no eye witness to the alleged occurrence and the petitioner has been made accused on mere presumption. He further submits that there is no independent witness to the seizure list so made after search of the house of the petitioner and neither the said seized articles have been put on test identification parade before the informant for confirming as to whether the said articles belong to her husband. He further submits that the blood which has been found on lungi of the seized item has not been confirmed by any scientific report neither it has been sent for the same after being seized and as such there is no direct presumption to arrive that the seized item belong to the deceased.

Learned counsel for the State however opposed the prayer of the petitioner and he submits that the petitioner is named in the first information report and there is allegation that he is in collusion with other accused persons who killed the husband of the informant. He puts his reliance on the seizure list which is mentioned in paragraphs no. 11 and 12 of the case diary and also on the basis of the statement of independent witness.

Considering the above mentioned facts and



circumstances and nature of the case, the lower Court is directed to send the seized article for its scientific report and upon confirmation and matching as to whether the samples of the blood stain found on the lungi of the deceased do not match with the deoxyribonucleic acid of the deceased, then 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, Muzaffarpur, in connection with Minapur P.S. Case No. 630 of 2019 subject to the following conditions :

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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