

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.29215 of 2020**

Arising Out of PS. Case No.-379 Year-2018 Thana- NAANPUR District- Sitamarhi

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Amit Kumar Jha @ Nagi Kumar @ Amit Kumar, Son of Sri Bhagnand Jha,  
R/o Village- Kharka, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

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

5      18-01-2021

This Court has been informed that there was a typographical error in recording of the date, however, it has been listed as per progress report given by the Bench Officer.

Both sides are present and on their request the matter has been taken up today for hearing.

Heard learned counsel for the petitioner and Mr. Binod Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Nanpur P.S. Case No. 379 of 2018 registered for the offence under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the allegation the informant along with his mother and wife went to cut paddy crops and his mother went to another field. The informant and his wife after some times came to house and



at about 3.30 P.M. informant's daughter informed him that his mother has been killed by some unknown by cutting her throat. The F.I.R. has been lodged against unknown.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. During investigation no witness has taken name of this petitioner but during supervision name of the petitioner has been dragged showing statement of one witness that he has been seen talking with the mother of the informant but that witness has not been examined by the I.O.

Mr. Binod Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein no eye witness is there to the alleged occurrence, though it is stated that in course of supervision one Binod had made statement before the supervising authority that he had seen this petitioner talking to the mother of the informant but there is no material in the case diary as to how the statement of the said witness has been mentioned even though he has not been examined by the I.O. and he was never noticed by the supervising authority/I.O. and further that in course of investigation no material has been collected about other two



persons who had allegedly come at the place of occurrence by a motorcycle, the petitioner is in custody since 29.01.2020, he has otherwise no criminal antecedent and it is one of the submissions of learned counsel for the petitioner that no motive has been alleged against the petitioner for alleged killing of the mother of the informant, in the nature of the materials made available to this Court, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Pupri at Sitamarhi in connection with Nanpur P.S. Case No. 379 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person 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.



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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

Case diary has been returned by the learned A.P.P. for the State. Let it be kept on record.

**(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'.

