

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36983 of 2020**

Arising Out of PS. Case No.-515 Year-2019 Thana- BARAUNI District- Begusarai

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BHAJJU NISHAD @ BHAJJO BIND @ BHAJJO NISHAD @ BHAJJU
BIND Son of Late Amir Bind @ Amir Mahto Resident of Village - Simaria
Ghat Bind Toli, P.S. - Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 03-03-2021 Heard both sides.

The petitioner seeks bail in Barauni P.S. Case No.515
of 2019 registered under Sections 302, 307 of the Indian Penal
Code and under Section 27 of the Arms Act.

The informant, father of the deceased, alleged that he
got information on 26.11.2019 from the villagers that his son
Jarha Bind was killed by firearm in village Malhipur Bind Toli
Diyara. The informant went to the place of occurrence and saw
the dead body of his son.

The learned counsel for the petitioner submits that
during the course of investigation, the wife of the deceased
made her statement in para 11 of the case diary and she
disclosed that her husband was on inimical term with the



petitioner but there is no eye witness of the occurrence. The police after more than one month of the occurrence, took the statement of Sanjay Mahto and Vimal Mahto and in para 37 and 38 of the case diary, they disclosed that they heard sound of firing and saw the petitioner fleeing away with katta in his hand but these two witnesses are also not the eye witness of the occurrence. There is no explanation that why these two witnesses, who claim themselves as eyewitness of the occurrence, did not inform the police immediately after the occurrence. Therefore, much reliance cannot be placed on their statement.

Learned A.P.P. however opposed the prayer for bail and submits that wife of the deceased also disclosed this fact that the petitioner had enmity with the deceased.

It appears that the petitioner is not named in the F.I.R. Only after more than one month of the occurrence, two witnesses are said to have disclosed before the police that they saw the petitioner fleeing away with katta in his hand but these two witnesses did not explain why they remained silent for such a long period after the occurrence.

Taking into consideration the facts aforesaid, let the petitioner, above named, 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 the learned C.J.M., Begusarai in connection with Barauni P.S. Case No.515 of 2019.

(Prabhat Kumar Jha, J)

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