

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1334 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- JAMUI District- Jamui

Niwas Kumar Male aged about 22 years s/o Rajendra Mahto Resident of
Village Kakan, P.S. Jamui And District Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. with Mr.Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr.Suresh Prasad Singh, APP
For the Informant	:	Mr. Sushil Jhunhunwala, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 30-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioner, informant and learned counsel for the State

3. The petitioner seeks bail in Jamui PS Case No. 295 of 2020, GR No. 1554 of 2020 instituted for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

5. The petitioner and two others have allegedly come to the informant's house and asked his son to accompany them to the field. Next morning, the dead body of the victim has been



found tied with a pole.

6. The learned counsel for the petitioner submits that the manner in which the allegations have been levelled casts a doubt on the petitioner's role in killing. It is not the case of the informant that the victim was forcibly taken away from his home. In fact, the informant states that the victim had gone with the petitioner and two others to the field. Other than this there is no evidence in the investigation also. There is no material in the case diary to suggest petitioner's involvement in the crime. He submits that during course of investigation in paragraph Nos. 25 & 41 and some other paragraphs independent witnesses have stated about the behaviour of the victim being promiscuous and that he had a love affairs with sister of one Gauri Paswan who has also been made an accused during course of investigation. Motive, whatsoever, has been assigned to Gauri Paswan. Under such circumstances, the petitioner has been in custody since 04.06.2020 though he has no criminal antecedents.

7. The learned counsel for the informant and learned APP for the State have opposed the prayer for bail. They have submitted that it appears to be a well planned murder. The petitioner and two others have allured the victim and thereafter he has been found dead next morning. Role of the petitioner is obvious from the circumstances.

8. Considering the rival submissions, let the petitioner, above named, be released 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 **CJM Jamui** in connection with **Jamui PS Case No. 295 of 2020**, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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