

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2962 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- AMAUR District- Purnia

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SAMPAT HARIJAN @ SAMPAT LAL HARIJAN S/o Narain Harijan @
Narayan Harijan Resident of Village - Amour, P.S.- Amour, Dist- Purnia.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr. Advocate
	Mr. Rajiv Ranjan, Advocate
	Mr. Rananjay Kumar, Advocate
For the Opposite Party/s :	Mr. Mithlesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 120(B)/34 of the
Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
the petitioner is in custody since 14.08.2021, charge-sheet has
been submitted and has antecedent of one case.

The informant alleges that on 13.09.2021, at about
05:00 a.m., his cousin Md. Naiyar (deceased) left his house for
going to Amour. Suddenly, after half an hour, the informant
came to know that the dead body of his cousin was lying near



the place of occurrence. Accordingly, the informant reached there and saw blood stains in the courtyard of petitioner's house. It is further alleged that the dead body of his cousin was soaked in blood and was lying besides the edge of a pond. It is alleged that on inquiry the informant came to know that petitioner along with his family members as named in the FIR killed his cousin on account of money transaction. It is further alleged that the FIR named accused persons including the petitioner and his two sons and some others are involved in liquor smuggling against whom many cases are pending in Amour police station.

Learned Senior Counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant is not an eyewitness to the occurrence. Learned Senior Counsel further submits that though it is alleged that the informant came to know that the dead body of his cousin was lying at the place of occurrence but the FIR does not disclose who informed the informant about the death of his cousin and in the FIR, it is alleged that blood stains were found in the courtyard of the petitioner but learned Senior Counsel draws the attention of the Court to the postmortem report of the deceased to submit that the external injury found on the body of the deceased is in the form of abrasion and, as



such, to allege that huge quantity of blood was found at the place of occurrence and in the courtyard of the petitioner is just not possible. It is next submitted that there is no eyewitness to the occurrence when admittedly the occurrence is alleged to have taken place in the morning at about 05:00 p.m. Learned Senior Counsel further submits that no motive for the occurrence is alleged in the FIR, except that the occurrence had taken place on account of money dispute but then also the FIR is completely silent that as to what kind of money dispute was prevailing between the deceased and the petitioner and what amount was involved. It is, thus, submitted that it gives an impression that for some ulterior motive, the FIR has been instituted. It is next submitted that even assuming what has been alleged is true then the entire allegation hinges around suspicion.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 14.08.2021, charge-sheet has been submitted and taking into consideration the submissions made by the learned Senior Counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of



Rs.20,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Amour P.S. Case No. 181 of 2021.

(Satyavrat Verma, J)

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