

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6909 of 2022

Arising Out of PS. Case No.-590 Year-2020 Thana- BHAGALPUR KOTWALI District- Bhagalpur

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Md. Gulam @ Babuwa Son Of Late Majid R/O Village/Mohalla- Jhopadpatti,
P.S.- Ishakchak, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anupa Nand Jha, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-09-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Kotwali (Tilkamanjhi) P.S. Case No 590/2020 registered for the offence under Sections 302 and 27 of Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 17.07.21.

The allegation against the petitioner is to commit murder of the husband of informant, along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Kailash Yadav, where nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with present set of occurrence. It is further submitted that informant is not the eye witness of the occurrence, and entire accusation is based upon suspicion. It is further submitted that similarly situated co-accused person, namely, Kailash Yadav, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 57449 of 2021 vide order dated 30.03.2022. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where allegation appears on the basis of suspicion coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Jkotwali (Tilkamanjhi) P.S. Case No. 590/20 on furnishing
bail bond of Rs.10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of learned
VIIIth Additional District and Sessions Judge,Bhagalpur/con-
cerned court, subject to the conditions as mentioned under Sec-
tion 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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