

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7934 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- KAMTAUL District- Darbhanga

Md. Jannat Son of Md. Samshul R/O Village- Barhmpur, P.S.- Kamtaul,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21075 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- KAMTAUL District- Darbhanga

1. Md. Haider Son of Md. Jannat Resident of Village - Brahampur, P.S.-
Kamtaul, District - Darbhanga.
2. Md. Reyaz Son of Md. Jannat Resident of Village - Brahampur, P.S.-
Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7934 of 2022)

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the State : Mr. APP

(In CRIMINAL MISCELLANEOUS No. 21075 of 2022)

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the State : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-11-2022

Cr. Misc. No. 7934 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Kamtaul



P.S. Case No. 252 of 2021 registered for the offence under Sections 302, 201, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 12.11.2021.

The allegation against the petitioner is to commit murder of nephew of the informant by causing fire arm injury due to local political differences.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence. It is submitted that it is not even a case of last seen and with such allegation, where deceased was called by the petitioner. It is submitted that purely on the basis of suspicion and neighbourhood differences, petitioner has been falsely implicated in the present case, where nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as, admittedly, informant is not the eye witness of the occurrence, where entire implication is based upon suspicion, where nothing incriminating surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kamtaul P.S. Case No. 252 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Darbhanga/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. No. 21075 of 2022

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

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

The petitioners seek bail in connection with Kamtaul



P.S. Case No. 252 of 2021 registered for the offence under Sections 302, 201, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and are in custody since 12.11.2021.

The allegation against the petitioners is to commit murder of nephew of the informant by causing fire arm injury due to local political differences.

Learned counsel appearing on behalf of the petitioners submitted that informant is not the eye witness of the occurrence. It is submitted that it is not even a case of last seen and with such allegation, where deceased was called by the petitioners. It is submitted that purely on the basis of suspicion and neighbourhood differences, petitioners have been falsely implicated in the present case, where nothing incriminating surfaced/recovered during the course of investigation, which may connect these petitioners, *prima facie*, with the present set of occurrence. While concluding the argument, it is submitted that petitioners are men of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as, admittedly, informant is not the eye witness of the occurrence, where entire implication is based upon suspicion, where nothing incriminating surfaced/recovered during the course of investigation, which may connect these petitioners, *prima facie*, with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Kamtaul P.S. Case No. 252 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Darbhanga/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

