

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9348 of 2022

Arising Out of PS. Case No.-328 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

Kanhaiya Ram Son Of Gopi Ram R/O Village- Kharigawan, P.S.- Chainpur,
District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Pandey, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2022 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 Chainpur
P.S. Case No. 328 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.10.2021.

The allegation against the petitioner is to brought the
husband of the informant, along with other co-accused persons,
while in an unconscious condition stating that he was drunken.
It was discovered later on by the informant that her husband is
died and found a mark around his neck.



Learned counsel appearing on behalf of the petitioner submitted that save and except suspicion, nothing surfaced against this petitioner, during the course of investigation, as informant is not the eye witness of the occurrence. It is submitted that as petitioner along with other co-accused persons brought the husband of the informant to home in unconscious condition, his name involved in the present case. It is further submitted that in furtherance of suspicion as raised through FIR, no incriminating material recovered/surfaced, during the course of investigation, which may connect this petitioner, *prima facie*, with present set of occurrence. It is also submitted that similarly situated co-accused persons have already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 26133 of 2021 vide order dated 27.07.2021 and 36021 of 2021 vide order dated 21.12.2021. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, 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 the fact that informant is not the eye witness of the occurrence.



In view of the facts and circumstances as mentioned above, as in furtherance of the suspicion as raised against this petitioner, nothing surfaced/recovered, during the course of investigation, to connect this petitioner, *prima facie*, with present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chainpur P.S. Case No. 328 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Kaimur, Bahbhua/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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