

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10348 of 2022

Arising Out of PS. Case No.-27 Year-2020 Thana- PANCHRUKHI District- Siwan

CHAND ALI S/o Late Babujan Mian R/o village- Mahuari, P.S.- Siwan
Mufassil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-08-2022 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 Pachrukhi
P.S. Case No. 27 of 2020 registered for the offence under Sections
302, 201/34 of the I.P.C. and 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2021.

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

Learned counsel appearing on behalf of the petitioner
submitted that informant is not eye witness of the occurrence and
entire allegation is based upon suspicion, which is very much general
and omnibus. It is further submitted that nothing surfaced during the



course of investigation, which may connect the petitioner, *prima facie*, with present allegation/occurrence. It is further submitted that the petitioner is a man of clean antecedent and reference as made under impugned order is not correct, as same is regard to accused Sahmat Ali. 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 the 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 is based upon 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 Pachrukhi P.S. Case No. 27 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 6th Additional Chief Judicial Magistrate, Siwan/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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