

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12067 of 2022

Arising Out of PS. Case No.-687 Year-2020 Thana- SIKARPUR District- West Champaran

BITTU RAM S/o Umesh Ram R/o Village- Purani Bazar, Ward No.- 02, P.S.-
Sikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022 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 Shikarpur
P.S. Case No. 687 of 2021 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 20.12.2020.

The allegation against the petitioner is to commit
murder of the son of the informant alongwith other co-accused
persons in the background of neighborhood dispute and
differences.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye-witness of the occurrence and entire allegations is based upon suspicion. It is submitted that as petitioner involved in altercation with informant prior to this occurrence, he has been falsely implicated in this case. It is also submitted that co-accused, who was lastly seen with deceased, has been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 48604 of 2021 dated 21.03.2022. 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 the fact 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 and nothing surfaced during course of investigation to connect, *prima facie*, the petitioner 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 Shikarpur P.S. Case No. 687 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 A.D.J. Vth, Bettiah, West Champaran/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Sanjay Ram, who is the cousin of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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