

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15026 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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Amar Patel S/o Late Munshi Patel Resident of Village- Sipaya Khas, P.S.-
Bishambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2022 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

Bishambharpur P.S. Case No.97 of 2021 registered for the

offence under Sections 364 and 34 of the Indian Penal Code.

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

custody since 22.08.2021.

The allegation against the petitioner is to commit

murder of the brother of the informant along with other co-

accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of the co-accused, namely, Umesh Yadav. It has further been submitted that nothing incriminating has been recovered from the conscious physical possession of the petitioner, which may connect/incriminate the petitioner with the present set of occurrence. It has further been submitted that if the confession of the co-accused will be taken into consideration, the maximum allegation against this petitioner is to help in the disappearing the evidence. It is also submitted that petitioner is a man of clean antecedent. It has further been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. While concluding the argument, it has been submitted that named accused, Harendra Yadav, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 63204 of 2021 dated 18.11.2021.

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 nothing incriminating has been recovered from



conscious physical possession of the petitioner, which may connect/incriminate the petitioner, prima facie, with the present set of occurrence, who is a man of clean antecedent 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 Bishambharpur P.S. Case No. 97 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 Additional Chief Judicial Magistrate-X, Gopalganj/concerned court, subject to the following conditions:

“(i)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.

(ii) That one of the bailors shall be Vinay Patel, who is the nephew (bhatija) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen-

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