

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16829 of 2022

Arising Out of PS. Case No.-553 Year-2021 Thana- SIKARPUR District- West Champaran

MD. SAMIR @ SAMIR S/o Late Md. Gafoor R/o- Tiwari Tola, Auraiya,
Distt.- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sourav Suman, Adv.
For the State	:	Mr.Rajendra Prasad Nat, APP
For the Informant	:	Mr. Navin Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner, the State and
learned counsel for the informant.

The petitioner is in judicial custody in connection with
Shikarpur P.S. Case No. 553 of 2021 under sections 302/34 of the
Indian Penal Code.

As per the FIR, the informant alleged that her son
Jitendra Kumar (deceased) left home but did not return in the night.
Next day, she was informed by the officials of Sathi police station
that her son has been killed. Thereafter, she reached the place of
occurrence and saw her son's dead body. She further alleged that the
petitioner herein was having illicit relation with the sister-in-law of
the deceased which was objected by Jitendra Kumar and had resulted
into fight between them. She as such alleged that there is specific role
of the petitioner in the killing of Jitendra Kumar.

Learned counsel for the petitioner submits that there is no



eye-witness to the occurrence. The informant has implicated him only on the ground that he had illicit relation with the sister-in-law of the deceased. He submits that due to the said false allegation he is in custody since 30.10.2021 (as stated in para-17 of the bail application). He further submits that he has no criminal antecedent. Learned counsel for the petitioner submits that one of the similar placed co-accused has since been released on bail vide Cr. Misc. No.18228 of 2022 on 21.07.2022 (Golu Yadav @ Golu Kumar Yadav @ Ram Babu Yadav vs. The State of Bihar).

Let the order dated 21.07.2022 passed in Cr. Misc. No.18228 of 2022 be kept on record.

Taking into account the fact that there is no eye-witness to the occurrence and the petitioner is in custody since 30.10.2021, charge-sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him the privilege of bail. If it is found that he has criminal antecedent, this order shall become infructuous, inasmuch as, no bail shall be granted.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Shikarpur P.S. Case No. 553 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona



fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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