

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19617 of 2022**

Arising Out of PS. Case No.-59 Year-2018 Thana- CHANDRAMANDI District- Jamui

Kishun Hembram son of Badho Hembram resident of village - Singheshari,  
P.S. - Sono (Charkapatthar), District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      09-11-2022                      Heard Mr. Rajesh Kumar Sinha, learned counsel  
appearing on behalf of the petitioner and learned Mr. Manoj  
Kumar, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with  
Chandramandi P.S. Case No. 59 of 2018, for the offence  
punishable under Sections 302, 201 120B, 427 and 34 of the  
Indian Penal Code and Sections 16, 17, 18, 19, 20, 21 and 22 of  
the U.A.P. Act.

Learned counsel appearing on behalf of the petitioner  
submits that the petitioner has clean antecedent and he has  
falsely been implicated in the present case due to dirty village  
politics. The dead body of a person was found lying in the  
jungle and on suspicion that the petitioner being one of the



member of the naxalite group was involved in the said murder. It is further submitted by learned counsel that petitioner is a teacher and in this regard he has brought certificate duly issued by the headmaster of the school, namely, 'Mahadalit Alpsankhya Avam Ati Pichda Warg Akshar Aanchal Yojana' for the year 2016-17. From the said certificate, it would appear that the scheme was for the period 2016-17 and, thereafter, the same was extended. He has further produced a letter no. 29 dated 10.04.2004 issued by the in-charge instructor by the Center In-charge, Block Sikandara dated 10.04.2004 to demonstrate that the petitioner has voluntarily given his service from the period 01.02.2004 to 10.04.2004 and on these grounds he had submitted that the petitioner who is a teacher, had consciously involved himself for the upliftment of the downtrodden section of the society and the people of his village being envious of his popularity has implicated him in false case. He further submitted that there is no eye witness to the alleged murder and on mere suspicion the petitioner has been made accused in the present case and is in custody since 18.02.2020.

Learned A.P.P. has opposed the prayer for grant of bail to the petitioner.

Considering the rival submissions of the parties,



material collected in course of investigation and the fact that the F.I.R. is against unknown, *prima facie* it appears that the petitioner has been made accused on mere suspicion and has remained in custody for more than two years and the trial is not likely to be concluded in near future, I am of the opinion that *prima facie* the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1<sup>st</sup> Class, Jamui in connection with Chandramandi P.S. Case No. 59 of 2018, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take  
steps to cancel his bail bonds.

**(Purnendu Singh, J)**

Minu &  
Aditya/-

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