

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29716 of 2021**

Arising Out of PS. Case No.-325 Year-2019 Thana- SURYAGARHA District- Lakhisarai

PINTA SINGH @ PINTU SINGH @ CHINTA SINGH S/O DASHRATH
SINGH @ DASRATH PRASAD SINGH R/O VILLAGE-SALEMPUR
CHAK, P.S-SURYAGADHA, DISTRICT-LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate.
For the Opposite Party/s : Mr. Raj Kishore Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 13.10.2020,
seeks regular bail in connection with Suryagadha (Manikpur)
P.S. Case No. 325 of 2019 for the offence punishable under
Sections 302/201 of the Indian Penal Code.

As per F.I.R., a dead body of about 55 years old was
found in a ditch of field near Katyayni Asthan. However the
dead body could not be identified by anyone.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. He is not named in the F.I.R. and his name has surfaced in this case in the confessional statement of the co-accused Vidya Bhushan Prasad due to enmity. There is no eye witness of the occurrence. Petitioner is in custody since 13.10.2020. He further submits that one of the co-accused namely Abnit Kumar @ Ganga Ram has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.06.2020 passed in Cr. Misc. No. 18090 of 2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the name of the petitioner has surfaced in the confessional statement of co-accused Vidya Bhushan who is the owner of the vehicle and in his confessional statement he has admitted the fact that the dead body was taken from the line hotel of the present petitioner and the same was buried in an orchard. So prima facie case is made out against the petitioner who has been found to have committed the said murder of the unknown dead body. However he submits that the dead body has not been identified till date.

Considering the aforementioned facts and circumstances of the case as well as nature of allegation made in the F.I.R. against unknown person, admittedly in this case there is no eye witness of the alleged murder and the dead body was



recovered from an orchard and not from the line hotel of the petitioner and one of the co-accused has already been released on bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Lakhisarai in connection with S. T. No. 18/2021 arising out of Suryagadha (Manikpur) P.S. Case No. 325 of 2019, 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)

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