

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22295 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- SILAO District- Nalanda

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Amarjit Kumar @ Dhanraj Patel S/o Ranjeet Kumar @ Guddu Mukhiya
Resident of Village - Chandaura, P.S. - Chhabilapur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22488 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- SILAO District- Nalanda

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Uma Shankar Kumar S/o Late Chandrika Prasad Resident of Village-
Basuyen, Police Station- Chhabilapur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 22295 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.

:

Mr. Saket Kumar Singh, Adv.

For the Informant : Mr. Bipin Kumar, Adv.

For the State : Mr. Jitendra Kumar Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 22488 of 2022)

For the Petitioner/s : Mr. Sacchidanand Chaudhary, Adv.

:

Mr. Anil Kumar Singh, Adv.

For the State : Mr. Jagdhar Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 05-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Silao P.S. Case No. 181 of 2021 lodged under Sections 302, 120
(B) of I.P.C. read with Section 27 of the Arms Act.

Learned counsel for the petitioners submit that as per
the allegation made in the F.I.R. this case has been filed against 7

known and 7-8 unknown accused persons. From the F.I.R. itself it transpires that this occurrence has not been seen by any person. Diary has been called for in which the entire allegation in the F.I.R. is primarily based on evidence of two persons only, the daughter of deceased and the follower of the deceased (statement made in paragraph no.12 & 13).

Learned counsel for the petitioner of Cr. Misc. No.22295 of 2022 submits that the petitioner namely Amarjit Kumar is in custody since 21.11.2021, having clean antecedent and chargesheet has already been submitted in this case against the petitioner. Learned counsel of the petitioner of Cr. Misc. No. 22488 of 2022 submits that the petitioner namely Uma Shankar Kumar is in custody since 23.11.2021, having clean criminal antecedent and charge sheet has already been filed.

Learned counsel for the State opposed the prayer for bail and submits that after going through the evidence, it transpires that there is no witness of the present crime, but he submits that the daughter of deceased has seen some of the accused persons near the place of occurrence prior to happening of this event.

Learned counsel for the informant vehemently opposed the prayer for bail and submits that the cause of the present murder is to stop the deceased from adducing his

evidence in a criminal case against the petitioner's side (father of Amarjit Kumar @ Dhanraj Patel). He further submits that if bail shall be granted to them the life of the witnesses of the present case shall also be in danger. On the other hand he also submits that he is ready to adduce the evidence at the earliest.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners at present but the Trial Court is directed to release the petitioners after one month of framing of charge against them.

It goes without saying that after Criminal Amendment Act, 2008 the victim is at liberty to appear through his Advocate if victim wants to appear through his Advocate, the Court below shall grant him liberty for the same.

The informant is also at liberty to take benefit of the witness scheme which has been recently launched.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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