

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26295 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- SAHPUR District- Bhojpur

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AMARNATH TATWA Son of Mana Tatwa Resident of Village -
Devaichkundi, P.s.- Sahpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sahpur P.S. Case No. 145 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, the dead body of the brother of the informant was found outside of the village. The informant raised the suspicion that the petitioner and other co-accused persons might have killed his brother in the background of earlier love-affair of the deceased with the daughter of the co-accused



Mana Tatwa.

Learned counsel for the petitioner submits that except for suspicion, there is nothing against this petitioner. There is no eye witness to the alleged occurrence and no overt act has been attributed to this petitioner or any of the co-accused persons. Even the lady in question namely Rina Kumari is a married lady whose marriage was solemnized four or five years back. It is not believable that the murder will be committed for such an old affair. Similarly situated co-accused persons have been granted bail vide order dated 30.03.2022 passed in Cr. Misc. No. 57549 of 2021. The petitioner is in custody since 29.05.2021 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that witnesses in case diary have supported the prosecution case as it appears from the order of rejection of bail of the petitioner by the learned trial court. However, he concedes that nothing incriminating has been recovered at the instance of this petitioner and except for his confessional statement, nothing of substance is on record.

Having regard to the submission made on behalf of the parties and considering the lack of materials against the petitioner to connect with him with the alleged occurrence and further considering the submission of charge sheet as well as his period of



custody along with the fact that other similarly placed co-accused have been granted bail by a Coordinate Bench of this court, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Sahpur P.S. Case No. 145 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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