

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36547 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- KHUSRUPUR District- Patna

BINDESHWAR @ BHALUA @ BINDESHWAR RAI Son of Ayodhaya Rai
Resident of Naya Tola, Khushrupur, P.S. - Khushrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-01-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection with Khushrupur
P.S. Case no. 146 of 2020 registered for the offence punishable
under sections 302, 120B/34 of the Indian Penal Code read with
section 27 of the Arms Act.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.06.2020, is person with clean
antecedent and charge sheet has been submitted and allegation
in the FIR is that the informant alleges that this petitioner came
to her house and asked her husband (deceased) to accompany
him to the market on which her husband went saying that he
will come after purchasing vegetable, later informant came to
know that her husband has been killed by firearm and



accordingly, she came to the place of occurrence and saw her husband dead body lying in field, further that the informant alleges that this petitioner along with named accused persons got her husband killed due to land dispute. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the deceased and the petitioner was well known to each other and that was the reason he willingly accompanied to the petitioner for going to market. It is submitted that had deceased even had remote inkling that this petitioner would get him killed he would never have accompanied him willingly to the market. Learned counsel further submits that entire allegation is circumstantial and there is no eye-witness to the occurrence.

Learned APP opposes the prayer for bail and submits that in para 90 of the case diary, statement of Munarik Rai records who is said to be eye-witness to the occurrence and he had seen the occurrence in which petitioner along with other named accused persons were instrumental in killing the deceased.

Learned counsel for the petitioner submits that said Munarik Rai later retracted from his statement and stated that he has never made any statement before the police on which Bablu



kumar who is also accused was granted bail which is mentioned in the impugned order. Learned counsel submits that only material against this petitioner is that the deceased had accompanied him to the market. Learned counsel submits that there was absolutely no enmity between the petitioner and the deceased and there is land dispute between Ram Charan Rai and others and not with this petitioner.

Considering the facts that petitioner is in jail custody, charge sheet has been submitted and alleged eye-witness retracted from his statement as it has come in the impugned order, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Ms. Sushila Kumari, Judicial Magistrate, Ist Class, Patnacity/ concerned court in Khushrupur P.S. Case no. 146 of 2020 with condition that one of the bailer shall be father of the petitioner.

(Satyavrat Verma, J)

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