

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46688 of 2021**

Arising Out of PS. Case No.-440 Year-2020 Thana- AMARPUR District- Banka

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Bhuto Singh @ Manoranjan Singh S/o Late Mahendra Singh R/o village-
Teliya, P.S.- Fullidumar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 08-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Amarpur
(Fullidumar) P.S. Case No. 440 of 2020 registered for the
offence under Sections 302, 379 and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.06.2021.

The allegation against the petitioner is to commit
murder of son of the informant, alongwith other co-accused
persons.



Learned counsel appearing on behalf of the petitioner submitted that time of death, as mentioned in the F.I.R. *qua* suggested through post mortem report of the deceased is suggesting such differences, which may compel any prudent man to disbelieve the occurrence. It is also submitted that the allegation, as regard to assault/fire, is not specific against this petitioner, rather same is very much general and omnibus, even the version of deceased narrated to informant is accepted to be true. It is also submitted that similarly situated co-accused, namely, Satyapal Singh @ Satpal Singh has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 4501 of 2021 dated 28.06.2021.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as date of occurrence is, *prima facie*, disputed coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Amarpur (Fullidumar) P.S. Case No. 440 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Banka
(District- Banka)/concerned Court, subject to the conditions as
laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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