

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38268 of 2022**

Arising Out of PS. Case No.-81 Year-2022 Thana- GAYA MUFASIL District- Gaya

BIGAN RAM Son of Karu Ram Resident of Village- Hade P.S.- Mohanpur,
District- Gaya, Bihar

... .. Petitioner/s

Versus

STATE OF BIHAR STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 03-11-2022 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 Muffasil
P.S. Case No. 81 of 2022 registered for the offence under
Sections 364, 302, 201 and 120(B) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 28.03.2022.

The allegation against the petitioner is to commit
murder of husband of the informant along with other co-accused
persons, for previous money related disputes.

Learned counsel appearing on behalf of the petitioner
submitted that informant is not the eye-witness of the present



occurrence, where, entire allegation is based upon suspicion. It is further submitted that petitioner is not named in the FIR and during course of investigation, this petitioner was implicated in the present case, for the reason that deceased call on the mobile phone of this petitioner, on the date of occurrence i.e. 12.02.2022. It is further submitted that save and except, this mobile call, nothing incriminating material was recovered/surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as save and except suspicion and outgoing mobile call from the mobile of deceased, nothing incriminating material was recovered/surfaced during course of investigation to connect this petitioner, *prima facie*, with the present set of occurrence coupled with the fact that charge-sheet has already



been submitted, let the petitioner, above named, is directed to be released on bail in connection with Muffasil (Gaya) P.S. Case No. 81 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

