

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41784 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- JALALGARH District- Purnia

Bhagwan Murmu Son of Dhanna Murmu Resident of Village - Piparpati,
Ward No.11 (Santhan Toli), P.s.- Jalalgarh, Distt.- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with
Jalalgarh P.S Case No. 33 of 2021 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution, the informant's husband was
murdered by this petitioner along with other co-accused persons
and the dead body of the deceased was found lying in the
courtyard of Barku Murmu.

The main submissions advanced by learned counsel
Mr. Ajit Kumar Singh appearing for the petitioner are that



altogether twenty-one accused persons including the petitioner were alleged to have murdered the husband of the informant, as per the Post-Mortem report of the deceased the cause of death was opined to be Asphyxia as a result of throttling and for this, twenty-one persons cannot be held responsible altogetherly, in fact the informant is not eye-witness to the alleged occurrence and she simply raised suspicion against several persons and in this case eight co-accused persons having same nature of allegation have been granted regular bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 44976 of 2021 and the petitioner has been languishing in jail since 12.08.2021.

Learned APP Mr. Narendra Kumar Singh appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. The petitioner has clean antecedent and as per the statement made in his petition altogether twenty-one persons were alleged to have assaulted the deceased but against the petitioner there is no specific allegation and in the FIR any motive on the part of the petitioner as well as co-accused persons to commit the murder of the deceased has not been revealed and the informant who named the petitioner in the FIR is not stated to be the eye witness of the alleged crime and she merely raised suspicion



against the co-accused persons including the petitioner. Considering these facts as well as above submissions and mainly the custody period of the petitioner and also the fact that similarly situated eight co-accused persons are on bail granted by a co-ordinate Bench of this Court, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 3rd Additional Sessions Judge, Purnea in connection with Jalalgarh P.S Case No. 33 of 2021.

(Shailendra Singh, J.)

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