

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51040 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- AMARPUR District- Banka

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NEPAL DAS, S/o JAGESHWAR DAS R/o VILLAGE-GERATIKAR, P.S-
PHULIDUMAR (AMARPUR), DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Aggrawal, Sr. Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2022 Heard the learned senior counsel for the petitioner
and the learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Amarpur
(Fullidumar) P.S. Case No. 163 of 2021 (G.R. No.1012 of
2021), instituted for the offences under Section 302/34 of the
Indian Penal Code.

The learned senior counsel for the petitioner submits
that the petitioner is in custody since 11.04.2021, he is a person
with clean antecedent, charge-sheet has been submitted in this
case.

The learned senior counsel for the petitioner submits
that the informant alleges that deceased (son of the informant)
had quarrel with Upendra Das, Babloo Das, Nepal Das,
Shambhu Das and Sikandar Das for which a Panchayati was



held but none of the accused appeared in the Panchayati. Thereafter it is alleged that all the accused came to the house of the informant on 29.03.2021 at 5 :00 P.M. and took her son and when the deceased did not return, search was made but in vain. Thus, the victim on the basis of suspicion alleges that all the accused persons murdered his son in desolated place by strangulating him.

Learned senior counsel submits that it absolutely does not stand to reasons that if the deceased had enmity with the accused persons including the petitioner then why he accompanied them, further, why the family members of the deceased allowed him to accompany the accused person. It is further submitted that from perusal of the allegation in the FIR, it would manifest that it is alleged that when the deceased did not return then a search was made which in itself shows that if the informant or his family members had any apprehension that the accused persons would kill the deceased then either they would have accompanied him or would have started searching immediately when they came to know that the deceased had accompanied the accused persons. Learned senior counsel further submits that apart from suspicion, there is nothing in the FIR nor during the course of investigation, any eye



witness have come to support the case.

Learned A.P.P. vehemently opposes the bail application.

Considering the fact that the petitioner is in custody since 11.04.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and the allegation is based on suspicion and taking into consideration the submission of learned senior counsel, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur (Fullidumar) P.S. Case No. 163 of 2021 (G.R. No.1012 of 2021).

The application stands allowed.

(Satyavrat Verma, J)

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