

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43976 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- HATHAURI District- Samastipur

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Nitish Kumar @ Pateliya Son of Sheonath Mandal @ Shivnath Mandal
Resident of village - Boraj, P.S.- Hathori, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

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

The petitioner seeks bail in connection with Hathouri
P.S. Case No. 52 of 2022 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 27.05.2022.

The allegation against the petitioner is to commit
murder of the husband of the informant along with other named
co-accused persons by causing injury with sharp cut weapon,
due to previous enmities.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in F.I.R., where informant is not the eye witness of the occurrence and due to the suspicion, as raised by certain witnesses during the course of investigation, as petitioner found roaming around the house of the deceased, his name surfaced in the present case. It is further submitted that even no suspicion was raised against this petitioner, while lodging the present F.I.R., as same was raised against co-accused, namely, Ramesh Mandal, Ramanand Jha, Babu Saheb Mandal and Alok Kumar@Bobby . It is further submitted that nothing surfaced, during the course of investigation in furtherance of suspicion as raised, which may connect this petitioner with present set of occurrence/murder. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as petitioner is not named in F.I.R., where save and



except suspicion, as of roaming around the house of deceased, nothing incriminating surfaced during the course of investigation to connect petitioner, *prima facie*, with present occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hathouri P.S. Case No. 52 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 Court of Additional Chief Judicial Magistrate-IV, Rosera, Samastipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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