

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43596 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- BALRAMPUR District- Katihar

Md. Israil @VIJAY@SK Israil @ Israil @ D.J. Son of - Akbar Ali Resident of Village- Kabarvari, Dwarin, P.S.- Karan Dighi, District - Uttar Dinjajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 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 the learned APP for the State.

Petitioner seeks regular bail in connection with Balrampur P.S. Case No. 139 of 2021 registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution, the informant's son (Mithun Mandal) was murdered by some unknown miscreants.

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



petitioner is not named in the FIR and informant named two co-accused persons in the FIR and also raised suspicion against four unknown persons in the murder of his son and during the course of investigation the name of this petitioner surfaced in the statement of co-accused Chhatro Singh and except this there is no any other material against the petitioner to connect him to the alleged crime of murder and the said co-accused Chhatro Singh revealed the name of this petitioner as well as the name of co-accused Nimai Rajak who has been granted bail by the Court below itself vide order dated 26.05.2022 and the case of this petitioner was also on similar footing with the said co-accused, but the same Court rejected the prayer of this petitioner. Further submission is that the petitioner has clean antecedent and languishing in jail since 17.09.2021.

On the contrary, learned APP Mr. Uma Shankar Prasad Singh appearing for the State has vehemently opposed the bail prayer and submitted that the name of this petitioner came in light in the statement of co-accused Chhatro Singh, whose bail prayer has been rejected by the High Court.

Heard both the sides and perused the FIR and the order impugned. The petitioner was not named in the FIR as per the above submission and as per the order impugned the name



of this petitioner surfaced in the alleged crime in the statement of co-accused Chhatro Singh and the order of the learned Court below does not show that except the statement of co-accused any other cogent material or evidence was found against the petitioner connecting him to the alleged crime or murder and similarly situated co-accused Nimai Rajak whose name also came into light in the statement of co-accused Chhatro Singh is on bail granted by the Court below itself and the petitioner has clean antecedent and languishing in jail since 17.09.2021. Considering the above-mentioned facts and submissions, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Balrampur P.S. Case No. 139 of 2021.

(Shailendra Singh, J.)

Prashant/-

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

