

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58933 of 2021

Arising Out of PS. Case No.-94 Year-2021 Thana- RAMGARHWA District- East Champaran

JITENDRA PRASAD CHAURASIYA Son of Virendra Prasad Bhagat R/o
Village- Manana Baraiya Tola, P.S.- Ramgarhwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and Mr. Uday
Pratap Singh, learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ramgarhwa P.S. Case No. 94 of 2021 instituted for the offences
under Sections 302, 120(B) and 34 of the Indian Penal Code
read with Section 25 (1-b)a, 26, 27 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 25.04.2021 is a person with clean
antecedent and charge-sheet has been submitted in the case and
the informant alleges that the petitioner used to say that her
husband has illicit relation with his wife, hence, had threatened
the informant to ensure that her husband mends his best or he
would be killed. He further alleges that the petitioner along with
two unknown persons came to the house of the informant and



asked her about the deceased, on which she informed that he is at his new house near the pond, accordingly, it is alleged that the petitioner called the deceased near the pond and shot him.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the First Information Report, it would manifest that the informant is not an eye witness to the occurrence, the entire allegation is based on suspicion. It is further submitted that it does not stand to reason that if the petitioner had an intention to kill the deceased, then he would have gone to the house of the informant seeking whereabouts of her husband and thereafter, would have been easily implicated if the husband of the informant would have been killed. It is further submitted that since her husband was of questionable character and was having dispute with the petitioner, as such, the informant based on suspicion falsely implicated him.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 25.04.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and the allegation is based on suspicion, let the petitioner above named be released on bail



on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)
with two sureties of the like amount each to the satisfaction of
learned Sub Divisional Judicial Magistrate, Raxual at East
Champaran, Motihari in connection with Ramgarhwa P.S. Case
No. 94 of 2021.

(Satyavrat Verma, J)

Jagdish/-

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

