

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59875 of 2021**

Arising Out of PS. Case No.-102 Year-2021 Thana- MANIGACHI District- Darbhanga

Amar Singh @ Chhotu Singh, Son of Late Prabhu Narayan Singh, Resident of  
Village- Nanda Patti, Police Station- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      30-08-2022                      Today this case has been listed on priority basis, on  
the motion slip filed by the learned counsel for the petitioner  
stating therein that the wife of the petitioner sustained burn  
injury while she was cooking.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks from today.

Heard Mr. Pankaj Kumar Jha, learned counsel for the  
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Manigachhi P.S. Case No. 102 of 2021  
registered for the offences punishable under Sections 302,  
201/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the husband  
of the informant, who used to drive the Magic vehicle for his



livelihood, left his house on 02.05.2021 with his vehicle. It is further alleged that on 03.05.2021 in the morning when he did not return, the father-in-law of the informant and other villagers started searching and in course of search someone had stated that his vehicle was lying near Brahmpura More. Later on, the dead body of the husband of the informant found in an orchard of Raju Chaudhary.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against unknown person and not even suspicion has been raised against anyone. It is further submitted that during the course of investigation, one co-accused Chedi Mahto was arrested and the name of the petitioner surfaced on the confessional statement of said Chhedi Mahto, who have stated that he along with the petitioner as well as other accused persons had committed the murder of the husband of the informant. It is next submitted that save and except the confessional statement of co-accused Chhedi Mahto, there is no material collected during the course of investigation suggesting the involvement of the petitioner and moreover the statement of co-accused was recorded by the police, which has no evidentiary value. He further submits that during the course of investigation, call detail report of mobile of Chhedi Mahto was obtained, however, even from the call detail report it does



not transpire that the petitioner was either in touch with the co-accused Chhedi Mahto or his tower location has been found along with the Chhedi Mahto. It is lastly submitted that even during the course of investigation no independent witness has come forward to suspect even the hands of the petitioner in the present crime and the petitioner is in custody since 04.08.2021, though the charges have already been framed.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is also found involved in two other criminal cases. In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in both the cases.

Having considered the submissions made on behalf of the parties and considering the fact that the F.I.R. was instituted against unknown person and the name of the petitioner transpired in the confessional statement of co-accused Chhedi Mahto and save and except the confessional statement, there is no other material suggesting the complicity of the petitioner and he is in custody since 04.08.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Darbhanga in connection with



Manigachhi P.S. Case No. 102 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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