

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63493 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- THARTHARI District- Nalanda

JITENDRA KUMAR Son of Shambhu Kumar Verma Resident of Village -
Nirpur, P.S.- Noorsarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in connection with S.Tr. No.
533/2021 / CIS Reg. No. 173/2021 arising out of Tharthari P.S. Case
No. 44/2021 registered for the offences punishable under Sections
302, 201, 120B/34 of the Indian Penal Code.

As per prosecution case, on 08.04.2021 the informant's
daughter was not inside the house. Then family member of
informant's daughter started searching but did not find her. It is
further alleged that on 08.04.2021, villager Arvind Chauhan
communicated to the informant that in his agricultural field there was
a dead body of a girl inside the straw. The informant went there and
identified the dead body of his daughter. Her neck was cut and both
of her hand were tied by her duppata. The informant believed that co-
accused, Azad Kumar and others have committed this crime since
marriage of his daughter was fixed with co-accused Azad Kumar.



Learned counsel for the petitioner submits that the petitioner is not named in the FIR. FIR has been lodged against four named accused persons. During course of investigation, on the basis of statement of one hearsay witness, Anil Kumar stated that present petitioner was involved in the alleged occurrence as mentioned in para 50 of the case diary. He further submits that in para 58 of the case diary petitioner made his confessional statement which has got no evidentiary value in the eye of law. There is nothing on record which indicates the complicity of the present petitioner with the alleged occurrence. He further submits the petitioner is languishing in custody since 17.04.2021 and bears no criminal antecedent. The petitioner has neither concerned with the alleged place of occurrence nor deceased. The petitioner has falsely been implicated in this case being friend of co-accused, Azad Kumar. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Hilsa, Nalanda in connection with S.Tr. No. 533/2021 / CIS Reg. No. 173/2021 arising out of Tharthari P.S. Case No. 44/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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