

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54655 of 2022

Arising Out of PS. Case No.-21 Year-2020 Thana- SONBERSA District- Sitamarhi

Ratneshwar Mahto @ Ratneshwar Prasad Son of Ram Swarath Mahto R/V-
Matiyar Kala, P.S- Sahiyara, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Sonebarsa P.S. Case No. 21 of 2020 registered for the offence
under Sections 120(B), 302 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.07.2022.

The allegation against the petitioner is to commit
murder of son of the informant, alongwith other co-accused
persons, due to previous enmity.

Learned senior counsel, Mr. N.K. Agrawal, appearing



on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, where entire implication is based upon suspicion, as petitioner alongwith eleven other named co-accused persons, followed the son of the informant, while he went to refill the gas cylinder. It is submitted that nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence/murder. It is further submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 31057 of 2021 dated 13.12.2021. It is pointed out that petitioner is involved in three more criminal cases, but in all cases, after investigation, final form has been submitted against the petitioner u/s 173 of the Cr.P.C. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as informant is not the eye witness of the occurrence, where entire implication



has been raised over suspicion, where nothing surfaced to connect this petitioner with the present occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sonebarsa P.S. Case No. 21 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Sitamarhi/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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