

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.364 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- NATHNAGAR District- Bhagalpur

JAI SHANKAR SINGH @ SHANKAR SINGH SON OF LATE GAYA PRASAD SINGH RESIDENT OF VILLAGE - BHOOR KATH, P.S- PASARAHA, DIST- KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 201/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 02.08.2021, charges have been
framed and has antecedent of one case.

The informant alleges that he came to know that a
dead body of a person has been thrown on the southern side of
the road, accordingly, the informant went to the place of
occurrence and saw a dead body of a man, aged about 25 years,



was lying besides the road and the dead body was eaten by the animals and the crowd which gathered was not able to identify the dead body. It is alleged that it appears that the man was killed by strangulation and the injury was seen on the neck. Further, it is alleged that the deceased it appears was killed somewhere else and the body was thrown at the place of occurrence.

Learned counsel for the petitioner submits that the FIR was against unknown and during the course of investigation, it transpired that the deceased (Amit) was in love with Sonali, wife of Avinash Kumar. Further, after marriage Amit was pestering Sonali on account of which she complained to her husband Avinash Kumar, thereafter a plan was hatched in which Avinash Kumar along with this petitioner (Fufa of Sonali) along with Sonu and others through Sonali called Amit and strangled him to death. Learned counsel further submits that admittedly petitioner is the Fufa of Sonali and, as such, there was absolutely no occasion for him to participate in the occurrence. It is submitted that since he had not supported Avinash Kumar when he intended to kill the deceased, as such, Avinash Kumar falsely implicated him. It is next submitted that the confession of the petitioner was also recorded and from his



confession it would manifest that though he confessed that he was present where the occurrence had taken place but had not participated in the occurrence.

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

Considering the fact that the petitioner is in custody since 02.08.2021, charge-sheet has been submitted and is uncle of Sonali and charges have been framed, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Session Trial No. 539 of 2021 arising out of Nathnagar Madhusudanpur P.S. Case No. 273 of 2021, subject to the condition that if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner then in that event the learned court below shall forthwith cancel the bail bond of the petitioner by recording reasons.

(Satyavrat Verma, J)

Kundan/-

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

