

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6216 of 2023

Arising Out of PS. Case No.-373 Year-2022 Thana- FATUA District- Patna

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Bittu Kumar, Son of Sitab Gope, R/o Baikathpur, P.S.- Khusrupur, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Fatuha
P.S. Case No.373 of 2022 registered for the offences punishable
under Sections 302 and 201 read with 34 of the Indian Penal
Code.

The accused/petitioner is not named in the FIR and
in custody since 26.05.2022.

The allegation against the petitioner is to commit
murder of the grandson of informant along with other named co-
accused persons by using sharp edged weapon due to previous
enmity arises out of tenancy dispute.

It is submitted by learned counsel that the name of
petitioner surfaced during the course of investigation on the
basis of confessional statement of co-accused Dharmendra



Kumar, where nothing surfaced/recovered, which may connect petitioner *prima facie* with alleged occurrence of murder. It is submitted that during course of investigation, it also appears that mother of the deceased was also arrayed as one of the accused, as she found in illicit relations with named co-accused Dharmendra Kumar and as deceased saw her mother in compromising position with co-accused Dharmendra Kumar, accordingly, both of them collectively killed the grandson of the informant. It is submitted that during course of investigation, the confessional statement of mother of deceased was also recorded who not named this petitioner contradicting the confessional statement of co-accused Dharmendra Kumar. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of the case is over, for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP for the State while opposing the prayer for bail fairly conceded that petitioner is not named in the FIR.

In view of the above-mentioned facts and circumstances, as save and except confessional statement, nothing incriminating appears against this petitioner during the



course of investigation to connect the petitioner with present occurrence of murder, where he is in custody since 26.05.2022, coupled with the fact that charge-sheet has already submitted, accordingly, the above-named petitioner is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Patna City, Patna in connection with Fatuha P.S. Case No.373 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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