

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10937 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- CHANDRADIP District- Jamui

Riyaz S/o Late Md. Sattar R/o Village- Navinagar, P.S.- Chandradeep, Distt-
Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Chandradeep P.S. Case No. 170 of 2022 registered on 06.10.2022 for the alleged offences under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the brother of the informant went outside after getting a call from co-accused persons in the night but did not return. Later on, the informant came to know the dead body of his brother was recovered. The informant named four co-accused persons and also this petitioner for being involved in conspiracy of the murder of



his brother.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that the informant has named other two co-accused persons, who used to call the brother of the informant, but he has not alleged anything against this petitioner. There is no eye witness to the occurrence as alleged and the name of the petitioner has been given in this case merely on suspicion. Even the co-accused persons, who were apprehended on the basis of CDR and mobile location did not describe any specific role in committing the murder of the deceased to this petitioner. Nothing incriminating has been recovered from the person or possession of this petitioner and at his instance. Learned counsel further submits that during the course of investigation it has come to the knowledge that deceased used to supply arms and ammunitions to a number of persons and some dispute arose and the brother of the informant was killed. Except suspicion there is no cogent material to connect the petitioner with the offence as alleged. The petitioner is in custody since 08.10.2022 and charge sheet has been submitted. The petitioner has got no criminal history.



5. Learned APP opposes the prayer for bail submitting that the petitioner is named in the FIR along with co-accused persons, who caused death of the brother of the informant.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the lack of substantive material against this petitioner to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Jamui/concerned court in connection with Chandradeep P.S. Case No. 170 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the



bail bonds of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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