

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19415 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- BANGAWON District- Saharsa

Amit Verma @ Amit Giri @ Amit Kumar, Son Of Sri Amirka Giri @ Amireka
Giri, R/O Village- Kaithwalia, P.S.- Jogapatti (SHANICHARI), District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bangaon P.S. Case No. 71 of 2021 registered on 15.06.2021 for the alleged offences under Sections 302/120-B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the informant gave his tractor on hire to co-accused Prakash Verma at the rent of Rs. 20,000/- per month and the younger brother of the informant used to drive the tractor. On 11.06.2021, the informant received a call on mobile phone from co-accused Prakash Verma about illness of his brother and he told the informant to contact this petitioner and other co-accused Raju Verma for information



regarding his brother. The informant reached Saharsa Hospital and found his brother dead. The informant further named some of his co-villagers for being involved and also stated that there were some injury marks on the body of his brother and showed his suspicion that his brother was killed and his dead body was left in the hospital by the petitioner and other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that nothing specific has been attributed to the petitioner even by the informant except that he was told by co-accused Prakash Verma to contact the petitioner and co-accused Raju Verma for information about his ailing brother. There is no eye-witness to the alleged occurrence and nothing has come on record to show that petitioner even touched the body of the deceased or was seen in his company. Even during investigation nothing has come up against this petitioner and whatever evidence has been collected it is against co-accused Raju Verma and also against one Dhirendra Yadav for assaulting the brother of the informant. It has also come during investigation that the brother of the informant received serious injury on his head from iron pole at his work place and he was



taken to Saharsa Hospital for treatment by labourer where he died during his treatment. At the same time, post-mortem report shows cause of death could not be ascertained and viscera was preserved for chemical examination but from the FIR, it is also clear that this case is not of suspected death by poisoning. The petitioner is in custody since 07.11.2022 and charge sheet has been submitted. The petitioner has got no criminal history.

5. Learned APP opposes the prayer for bail submitting that post-mortem report shows there was swelling over back of the head of the deceased but he concedes that from the rejection order nothing could be inferred against the petitioner.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the lack of distinct material against the petitioner to connect him with the offence as alleged coupled with discrepancies in the allegation as has been pointed out by the learned counsel for the petitioner and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, 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-1,



Saharsa/concerned court in connection with Bangaon P.S. Case No. 71 of 2021, 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)

balmukund/-

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

