

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25687 of 2023

Arising Out of PS. Case No.-267 Year-2022 Thana- BIHARIGANJ District- Madhepura

Totaram Kamti, Late Bhumi Kamti, Residence of Village-Gamail, Ward No.-
06, P.S.-Bihariganj, District-Madhepura.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s	:	Mr.Rabindra Kumar, APP
For the Informant	:	Mr. Pawan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2023 Heard learned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

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

3. The petitioner seeks bail in connection with
Bihariganj P.S. Case No. 267 of 2022, registered for the offence
under Sections 302, 120(B), 34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 19.11.2022.

5. The allegation against the petitioner is to commit
murder of son of informant alongwith other co-accused persons
arises out of previous enmities.



6. Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye-witness of the occurrence and entire allegation is on the basis of suspicion as petitioner alongwith other co-accused persons were last seen together with his deceased son. It is further pointed out that circumstances as narrated through present FIR appears incriminating specifically against co-accused, namely, Mantu Kamti and Sagar Kamti and not against this petitioner, against whom maximum allegation is only of last seen. It is further submitted that the said co-accused Mantu Kamti has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 25981 of 2023 dated 19.07.2023. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as save and except suspicion arises out of last seen, nothing incriminating surfaced during the course of investigation as to connect petitioner, *prima facie* with the



present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.11.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Bihariganj P.S. Case No. 267 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

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

