

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31790 of 2023

Arising Out of PS. Case No.-241 Year-2022 Thana- JOGBANI District- Araria

Md. Chhotu Son of Mohd. Rustam Resident of Village - Haripur, Haji Mohalla, Ward No.- 8, P.S.- Jogbani, District – Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate Mr. Dheeraj Kumar, Advocate
For the Opposite Party/s :		Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Jogbani P.S. Case No. 241 of 2022 registered for the offence under Sections 302, 379/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 16.12.2022.

The allegation against the petitioner is to commit murder of husband of informant alongwith other co-accused persons and after committing the murder taken away cash of



Nepali currency of Rs. 1,00,000/- (Rupees One Lac Only).

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated in this case out of suspicion and it is apparent from the narration of F.I.R. itself. It is also pointed out that informant is not the eye witness of the occurrence. It is further submitted that nothing incriminating surfaced during the course of investigation, which may suggest the involvement of petitioner, *prima facie*, with present occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where allegation arises out of suspicion only, as per the narration of F.I.R. itself coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 16.12.2022, accordingly, the petitioner, above named, is directed to be released on bail in connection with Jogbani P.S. Case No. 241 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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