

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45629 of 2022**

Arising Out of PS. Case No.-432 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Bittu Kumar @ Binay Son of Late Nawal Kishore Rai R/v- Dighi Khurd,  
Mahto Tola, P.S- Hajipur Sadar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      14-02-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Hajipur  
Sadar P.S. Case No. 432 of 2020 registered for the offence under  
Sections 302 and 120(B) of the Indian Penal Code (for short  
'I.P.C.') and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 11.03.2022.

The allegation against the petitioner is to commit  
murder of husband of the informant alongwith other co-accused  
persons by causing firearm injuries out of previous enmities  
founded over land transactions.



Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and merely upon the basis of suspicion, as some altercation took place two or three days prior to this occurrence regarding issues related with land dealing with this petitioner and other co-accused persons, the present implication was made, which is without any basis. It is further submitted that nothing surfaced during the course of investigation out of said suspicion, which may incriminate petitioner with present occurrence of murder. It is further pointed out that co-accused facing similar allegation, namely, Shekhar Ray has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 66930 of 2021 vide order dated 05.04.2022. While concluding the argument, it has been submitted that petitioner was involved in one case, i.e., Sadar Hajipur P.S. Case No. 250 of 2020, where after investigation police submitted final form, and as such, it can be fairly said that the petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the



occurrence.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as informant is not the eye witness of the occurrence, where entire implication is based upon suspicion coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 432 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/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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