

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50379 of 2022

Arising Out of PS. Case No.-765 Year-2021 Thana- DANAPUR District- Patna

SACHIN KUMAR NATHUNI BAITHA Resident of Village- Bhataulia, P.S.-
Belsand @ Bailsand, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Manoj, Adv. Mr. Surya Narayan Yadav, Adv.
For the Informant	:	Smriti Verma, Adv.
For the State	:	Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 02-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with S.Tr. No.
169/2022 arising out of Danapur P.S. Case No. 765/2021
registered for the offences punishable under Sections 302 and 34
of the Indian Penal Code.

As per prosecution case, on 26.10.2021 the informant
was informed by his cousin that his brother Mishrilal (since
deceased) has been killed mercilessly. It is alleged that the dead
body of the deceased was lying on the bed having swelling in
his neck and scratching marks on his face. The Informant further



submitted that his deceased-brother had been working as a labour-contractor in the Acqua-city in Ashopur for last three years and was residing in the same rented accommodation with Sachin Kumar (petitioner) and Sujeet Kumar (co-accused). As per version of informant, petitioner and co-accused were sleeping with the deceased on the fateful night after having dinner and were found near the dead body of the deceased. The petitioner and other had not given satisfactory explanation when enquiry was made. It is further alleged that the petitioner and other have committed the murder of informant's brother by pressing his neck.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case on account of suspicion. The petitioner is languishing in custody since 28.10.2021 and bears no criminal antecedent. From perusal of the FIR, it appears that no cause of motive has been found for committing the alleged occurrence. He further submits that from perusal of the FIR, it appears that the informant is not eye witness to the alleged occurrence and only suspicion has raised against the petitioner. He further submits that during course of investigation no cogent material has come against the petitioner. Except suspicion there is nothing on



record to demonstrate the complicity of the petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Sujeet Kumar @ Sujit Kumar has already been granted bail by this Court vide Cr. Misc. No.45268/2022 and co-accused Ravi Kumar @ Saurav Kumar Baitha has already been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No.17129/2022 and the case of present petitioner stands more or less on similar footing.

The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that petitioner alongwith co-accused were sleeping with the deceased and they were found near the dead body of the deceased but no satisfactory explanation was given by the petitioner and other with regard to the alleged occurrence.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused have already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into



consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Danapur, Patna in connection with S.Tr. No. 169/2022 arising out of Danapur P.S. Case No. 765/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without appropriate permission of the trial court, his bail bond shall be cancelled by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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