

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50651 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- JHAJHA District- Jamui

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1. GUDDAN SAW @ ROHIT SAW @ ROHIT KUMAR SON OF LATE NARAYAN SAW R/O VILLAGE- BORWA, P.S.- JHAJHA, DISTRICT- JAMUI
 2. MINTU KUMAR SINGH @ MINTU KUMAR SON OF SUKHDEO SAW R/O VILLAGE- BORWA, P.S.- JHAJHA, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Jhajha P.S. Case No. 177 of 2022 for the offence registered under Sections 302/34 of the Indian Penal Code.

The case of the prosecution, in brief, is that the informant got information that his younger brother has been murdered in the night of 13.05.2022, by some unknown persons and his dead body was recovered from a place situated near the High School, Borwa.



The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 15.05.2022. The learned counsel for the petitioners has further submitted that there is no eye witness to the alleged occurrence, hence the petitioners be granted the privilege of bail.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail and has submitted that ample materials are available in the case diary to connect the petitioners with the alleged crime and only after the petitioner no. 1 of the present case was arrested and he had confessed his guilt, wherein he had disclosed the place where he had hidden the rod used for murdering the deceased as also the blood stained towel, recovery was made by the police, hence as far as the petitioner no. 1 is concerned, he is definitely having complicity in the murder of the deceased, however, as far as the



petitioner no. 2 is concerned, his name has transpired upon the petitioner no. 1 having disclosed that he is one of his accomplice.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering those available in the case dairy, this Court finds that as far as the petitioner no. 1 is concerned, his confessional statement has led to recovery of weapon used in the murder of the deceased as also recovery of a blood stained towel, hence the petitioner no. 1 is definitely *prima facie* having complicity in the alleged murder of the deceased, thus the present petition qua the petitioner no. 1 stands dismissed.

However, as far as the petitioner no. 2 is concerned, his name has transpired in the present case merely on the disclosure made by the petitioner no. 1 in his confessional statement and apart from the said fact, there is minuscule



evidence available on record so as to connect the petitioner no. 2 with the alleged crime, hence I deem it fit and proper to admit the petitioner no. 2 to the privilege of bail.

Accordingly, the petitioner no. 2, namely, Mintu Kumar Singh @ Mintu Kumar above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 177 of 2022.

(Mohit Kumar Shah, J)

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