

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59608 of 2022

Arising Out of PS. Case No.-147 Year-2022 Thana- KAMTAUL District- Darbhanga

LALINDRA RAM S/o Tetar Ram Resident of village- Madhopatti, P.S.-
Kamtaul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-04-2023 Heard learned counsel appearing on behalf of the parties.

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

The petitioner seeks bail in connection with Kamtaul P.S. Case No. 147 of 2022 registered for the offence under Section 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 19.06.2022.

The allegation against the petitioner is to commit murder of father of the informant, who is aged about 80 years, by means of fight and fist while he intervene petitioner assaulting to his nephew, Ram Jatan Ram.

Learned counsel appearing on behalf of the petitioner



submitted that the informant is not the eye-witness of the occurrence and the basis of implication is hearsay input, as he received from one Dukhni Devi, who claimed to be an eye-witness of the occurrence. It is submitted that during course of occurrence, while petitioner was assaulting the nephew of deceased, he received injuries and even version of Dukhni Devi be taken into consideration, who examined in para 7 of the case diary, it is difficult to gathered that petitioner was under intention to cause death of the father of the informant. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as informant is not eye-witness of the occurrence, where, petitioner is in custody since 19.06.2022 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 Kamtaul P.S. Case No. 147 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 Chief
Judicial Magistrate, Darbhanga/concerned court, subject to the
condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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