

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59357 of 2022

Arising Out of PS. Case No.-69 Year-2020 Thana- PARBATTa District- Khagaria

Chhotu Kumar @ Amar Kumar Son Of Ram Balak Singh Resident of Village-
Srirampur Thutthi, P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-02-2023 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 Parbatta
P.S. Case No. 69 of 2020 registered for the offence under
Section 302 of the Indian Penal Code and Section 27 of the
Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 22.03.2022.

The allegation against the petitioner is to commit
murder of the son of informant alongwith other un-named co-
accused persons by causing fire arm injury.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of secret input during the course of investigation, where nothing incriminating material surfaced, which may suggest involvement of petitioner with present occurrence of murder. It is further submitted that nothing surfaced from call details report as alleged. It is also pointed out that on the basis of suspicions, the statement of one co-accused, Rohit was recorded under Section 161 of the Cr.P.C., taking him as a witness, subsequently, his statement was also recorded under Section 164 of the Cr.P.C., and from either of statement nothing incriminating appears, which may suggest that the present murder was committed by this petitioner. While concluding the argument, it has been submitted that petitioner is involved in one more criminal case, where he is on bail and moreover, investigation of this case is 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 the fact that the petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, and by taking note of the fact, as no incriminating



material surfaced during the course of investigation, in furtherance of suspicions to connect this petitioner with present occurrence on its face, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Parbatta P.S. Case No. 69 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 Additional Sessions Judge-V, Khagaria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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