

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64346 of 2022

Arising Out of PS. Case No.-418 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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SHASHI KUMAR S/O Late Krishna Prasad R/O Village- Gandhi Nagar,
Ward No- 02, P.S- Town, in the district of East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Town P.S.
Case No. 418 of 2022 dated 16.06.2022 registered for the offence
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution case, in brief, is that in the night of
15.06.2022 accused petitioner namely Munchun Kumar along
with other co-accused persons came to the house of the
informant and called her husband Amit Kumar Jaiswal with cold
drink for a party and her husband purchased the cold drink from
the grocery shop of Babanji and went in the filed of S.N.S. College
and did not return in the night. On the next day when his
husband did not return then he was searched and the informant



was informed by the neighbors that Amit Kumar Jaiswal has been killed by stabbing as well as by firearm and his dead body has been thrown near the boundary of the said College. On this information the informant went there and saw the dead body of her husband and he had a stab injury in chest and also the firearm injury and the blood was scattered in huge quantity at the place of occurrence. It is further alleged that the 'chappal' of the petitioner, a liquor bottle, glass and empty cartridge was found at the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is having clean antecedent and he has been falsely implicated in the present case only on the basis of suspicion. Learned counsel for the petitioner further submits that there is no eye witness to the alleged occurrence and even the informant does not claim to be the eye witness to the alleged occurrence. He further submits that it appears from the F.I.R. that the petitioner along with other two co-accused are alleged to have called the petitioner for having party in the night and in the morning dead body of the deceased was found in the field of S.N.S. College.

Learned counsel for the petitioner in defense has submitted that it is not in dispute that occurrence took place in which husband of the deceased died but at the same time, it cannot be denied that the entire allegation in the F.I.R. is based on suspicion on three persons including the petitioner and not a



single witness has whispered anything about the involvement of the petitioner during course of investigation nor anything incriminating has been recovered from the house or exclusive possession of the petitioner. It is also contended that even no one claimed that the petitioner was last seen with the deceased prior to alleged date of occurrence. Save and except the suspicion, no other cogent material has surfaced against the petitioner to suggest his involvement in this alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further contends that the co-accused, namely Sanjeev Kumar and Munchum Kumar, against whom suspicion has been raised along with the petitioner, have been granted bail by this Court vide order dated 23.02.2023 passed in Cr. Misc. No. 62243 of 2022 and Cr. Misc. No. 62904 of 2022 and the case of this petitioner stands on better footing to that of the co-accused. The petitioner is rotting in judicial custody since 21.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Additional Sessions Judge-22, East Champaran, Motihari in connection with



Town P.S. Case No. 418 of 2022/ G.R. No. 3522 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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