

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69947 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- NAUTAN District- Siwan

1. Srikant Singh, Son of Jai Prakash Singh, R/V- Khalwa Ram Nagar, P.S.- Nautan, District- Siwan.
2. Bacha Singh, Son of Bhagwan Singh, R/V- Khalwa Ram Nagar, P.S.- Nautan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-06-2023 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Nautan
P.S. Case No. 103 of 2022 registered for the offence under
Section 302 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R.
and are in custody since 16.05.2022.

The allegation against petitioners is to commit murder
of son of the informant alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioners



submitted that petitioners implicated falsely with present case out of suspicion, which developed due to pending land dispute. It is also submitted that save and except confessional statement of petitioner no. 2, namely, Bacha Singh, no incriminating material available against both petitioners. Petitioner no. 1, namely, Srikant Singh implicated through confessional statement of petitioner no. 2, namely, Bacha Singh. It is also submitted that in furtherance of confessional statement of petitioner no. 2, no incriminating material surfaced/recovered during the course of investigation, which may incriminate petitioners with present case. It is also submitted that informant is not the eye witness of the occurrence. While concluding the argument, it is submitted that 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 submitted that strong circumstances appears against petitioners as per statement of witnesses recorded in para -11 of the case diary as both petitioners were found to travel in same direction in mid night, where occurrence took place.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as save and except



suspicion and confessional statement of petitioner no. 2, nothing appears to connect petitioners, *prima facie* with the present set of occurrence, accordingly, petitioners, above named, are directed to be released on bail in connection with Nautan P.S. Case No. 103 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Vith, Siwan/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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