

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21628 of 2024

Arising Out of PS. Case No.-52 Year-2022 Thana- TANDWA District- Aurangabad

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Samarjeet Kumar @ Samarjit Kumar @ Samarjit Kumar Ram S/O- Naresh
Ram @ Ram Naresh Ram R/O- Village- Ram Nagar Tole, Mahuari, P.S.-
Tandwa, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Tandwa P.S. Case No. 52 of 2022 dated 01.06.2022, lodged
under Sections 302, 201 & 34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 3 named accused persons against whom there is
an allegation that they have killed the informant's son.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the petitioner is not named in the FIR. Counsel
further submits that during investigation, the said informant at
subsequent stage created doubt against the petitioner and



thereafter police, on the basis of the confessional statement, arrested the present petitioner and recovered the mobile of the deceased which was subsequently identified by the informant. Counsel submits that all those things are after thought as the informant has not whisper anything against the present petitioner in the FIR. Counsel submits that there is inimical relation between the petitioner and the informant and it is due to this reason at later stage, the petitioner's name has been inserted in this case.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him in which final form has been submitted against the petitioner. The petitioner is in custody since 28.08.2023 in the present case. Counsel further submits that other accused person has been granted bail by this Court *vide* order dated 06.04.2023 passed in Criminal Revision No.181 of 2023. Counsel submits that the petitioner is 25 years of age and is a student and if, bail shall not be granted to him then his entire career shall be exploited.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner's involvement is there in the FIR and it has come in the case diary



that the informant and the petitioner has developed physical relation which has been seen by the informant’s son and this is the cause of his death.

7. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner at this level.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Tandwa P.S. Case No. 52 of 2022, pending before the learned Chief Judicial Magistrate, Aurangabad is **hereby rejected**.

9. Liberty is hereby granted to the petitioner that he may renew his prayer for bail six months after framing of charge.

(Dr. Anshuman, J)

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