

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56964 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- CHAUTHAM District- Khagaria

Bipin Tanti @ Bipin Sharma Son of Lalo Tanti @ Lalmani Sharma @ Lal
Muni Sharma R/O Vill.- Tilaiy, Pipra, P.s.- Chouthan, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Advocate
For the State	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Choutham P.S. Case No. 32 of 2024 for the offences punishable under Sections 302, 120-B and 34 of the Indian Penal Code, lodged on 07.02.2024 by the informant, Ganpat Yadav.

3. As per the prosecution story, the informant alleged that his brother Pankaj was working with Muneshwar Tanti for a sum of Rs.15,000/- per month and there were dues for two months which was not being paid. Earlier the deceased had taken loan from the Muneshwar Tanti for which there was scuffle between them and this was the reason for Muneshwar Tanti, Bishundeo Tanti, Naresh Tanti, Kundan Tanti as also this petitioner to commit murder of his brother which led to the present F.I.R. The dead body was found in a garden and the allegation is that he was assaulted to death.



4. Learned counsel for the petitioner submits that a perusal of the F.I.R. would show that deceased had an issue with Muneshwar Tanti and earlier also scuffle took place. Like the deceased, the petitioner too was an employee and had no role to play in the matter but only because he being associated with Muneshwar Tanti, implicated for which he is in custody since 16.04.2024 (paragraph no.4 of the petition).

5. Learned APP for the State opposes the prayer submitting that his name has also come in the F.I.R that he along with Muneshwar Tanti and other associate killed the brother of the informant.

6. Considering the submissions put forward by the parties as also the fact that the main allegation is against Muneshwar Tanti that he was the employer of the deceased, there was money issue for which scuffle had taken place, so far as this petitioner is concerned, he is an employee of the said Muneshwar Tanti, has remained custody since 16.04.2024, charge sheet stands submitted and he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Masgistrate 1st



Class, Khagaria in connection with Choutham P.S. Case No. 32 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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