

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.190 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- LAXMIPUR District- Jamui

Akash Hansda @ Anku son of Todo Hansda resident of village Bagdasva, P.S.
Belhar, District Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Session Trial No. 468 of 2023 arising out of Laxmipur P.S. Case No. 11 of 2023, registered on 07.01.2023, for the alleged offences under Sections 302, 324, 364, 201/34 of the Indian Penal Code.

03. As per prosecution case, the informant gave a written report to the police that his son and the brother-in-law were kept confined by the petitioner and other co-accused persons and later on, his brother-in-law, Md. Amir, was murdered by the petitioner and other co-accused persons.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that son of the informant



was recovered and his statement under Section 164 of Cr.P.C. was recorded and from perusal of such statement, it appears that son of the informant and the petitioner were caught by *dacoits*, who kept them confined and nothing has come in his statement, which might show that the petitioner murdered the brother-in-law of the informant. Rather the petitioner helped the son of the informant in fleeing away from the custody of the *dacoits*. Learned counsel further submits that there is no eye witness to the occurrence and the petitioner has been made accused merely on suspicion. Co-accused Ramesh Soren has been granted bail by this Court vide order dated 09.11.2023 passed in Criminal Misc. No. 57875 of 2023 and the case of the petitioner is similarly placed. The petitioner is in custody since 22.03.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State vehemently opposes the prayer for bail. Learned APP submits that the police found during investigation that the brother-in-law of the informant was in illicit relationship with the wife of the petitioner and for this reason, the petitioner hatched a conspiracy and murdered the brother-in-law of the informant.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and further taking into account the vague nature of allegation and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jamui/concerned court in connection with Session Trial No. 468 of 2023 arising out of Laxmipur P.S. Case No. 11 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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