

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41375 of 2025

Arising Out of PS. Case No.-89 Year-2018 Thana- BALRAMPUR District- Katihar

Bhatol Sinha @ Bhatol Singh Son of Kochu Sinha @ Jaharu Sinha @ Pachu
Sinha Vill -Bhulki PS -Karandighi Dist -Utar Dinajpur (West Banagal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 423 of 2018 arising out of Balrampur P.S. Case No. 89 of 2018 registered for the alleged offences under Sections 302/201/34 of the Indian Penal Code.

03. As per prosecution case, the allegation against the petitioner is that he along with other co-accused persons murdered the father of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named by the informant merely on suspicion. During investigation, it has come on record that wife of the petitioner had lodged a case against the deceased under



Section 448, 376 and 506 of IPC and the deceased was having affair with the wife of the petitioner and the deceased gave 06 *kattha* of land and tin shaded house to the wife of the petitioner towards the compromise. In this background, the informant has raised suspicion about involvement of the petitioner in murder of his father. But there is no cogent material to connect the petitioner with the offence as alleged. The FIR has been lodged after 10 days of occurrence and there is no explanation for this inordinate delay. There is no eye witness to the occurrence and none of the witnesses examined during investigation has said anything about seeing the petitioner with the deceased. The trial of the present case has commenced and witnesses have been examined, but none of the witnesses have named the petitioner as assailant of the deceased. Learned counsel further submits that co-accused, Rina sinha @ Rina Singh, has been granted bail by a Co-ordinate Bench vide order dated 03.10.2024 passed in Criminal Misc. No. 66516 of 2024. Learned counsel further submits that though the petitioner is in custody since 03.08.2018 but the trial has not been concluded as yet. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the completely vague and contradictory nature of allegation and also considering the delay in conclusion of trial and long period of incarceration of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Katihar/court concerned in connection with Sessions Trial No. 423 of 2018 arising out of Balrampur P.S. Case No. 89 of 2018, subject to the conditions mentioned in Section 480(3) of BNSS 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 on 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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