

In the Court of Additional Sessions Judge-VIII, Madhepura
(Present-Deepanshu Srivastava , Addl. S.J.-VIII, Madhepura)

Sessions Trial No. 35 of 2021

Amrendra Kumar @ Amrendra Kumar Sah.....v/s.....State of Bihar)

On behalf of Petitioner Learned Advocate Sri Jawahar Jha.

On behalf of State.....Sri Shashidhar Prasad Singh I/C P.P.

Date	Order of proceeding with signature	Remarks
22-09-2021	Heard Sri Jawahar Jha, learned advocate for the petitioners namely Amrendra Kumar @ Amrendra Kumar Sah, who is in custody since 05.10.2020 in connection with Murliganj P.S. Case No. 253 of 2020 dated 23.08.2020 for the offence of U/s- 302 and 201 read with 34 of the I.P.C., on his regular bail application. Also heard Sri Shashidhar Prasad Singh Id Incharge Public Prosecutor for the State. The prosecution story as per the FIR is that on 20.08.2020 at about 05:00 pm, the informant's brother Hasib Alam went for Madhepura by an Innova Car bearing Reg. No. WB06D-7732. He had a mobile also bearing SIM No. 9334781097 with him. On 21.08.2020 at about 8:30-9:00 Am informant made a talk with Hasib Alam in which he said that, he had left the party at the destination and he is taking tea there. Thereafter the informant could not make any contact with Hasib Alam. On 23.08.2020 the informant got to know that the dead body of the deceased Hasib Alam has been found in Murliganj P.S. The informant then came to Madhepura Sadar Hospital and identified the dead body of his brother. Ld advocates appearing on behalf of the petitioner submitted that the petitioner is quite innocent and has not committed any offence. Further submits that petitioner is not named in the FIR. Further submits that nobody has claimed to see the alleged occurrence and no witness of case-dairy has been named the petitioner. Further submits that petitioner is falsely implicated in this case only on two alleged confessional statements of co-accused Pritam Kumar (para 21) and Eklavya Kumar (para 29) before police have no legal force. Further submits that aforesaid alleged confessional statement as well as from PM report it transpires that occurrence took place in night of 21.08.2020 and petitioner was in judicial custody of Id CJM Madhepura in Murliganj P.S. Case No. 365/2019 and he was released from Madhepura jail in the night of 21.08.2020 and it is not possible to commit murder just after his release at village Gangapur. Lastly submits that there is no direct or indirect evidence against the petitioner except the alleged confessional statement of co-accused persons before police. Ld In-charge public prosecutor appearing on behalf of the State vehemently opposed the prayer of regular bail of the petitioner. Heard both sides and perused the case record in connection with Sessions Trial No. 35/2021. It is apparent from perusal of case-dairy that informant in his re-statement has	

supported the prosecution case which is mentioned in paragraph 9 of case-dairy. The other witnesses in their statement also have supported the factum of occurrence which is evident from para 10, 48 and 49 of the case-dairy respectively. The inquest report and post-mortem report mentioned in para 2 and 81 of the case-dairy respectively which shows that the death of deceased was caused due to asphyxia due to strangulation. In confessional statement of co-accused Pritam Kumar and Eklavya Kumar they have also stated about their as well as the involvement and role of this petitioner which is mentioned in para 21 and 29 of the case-dairy. In para 21 of the Case-diary criminal antecedent of this petitioner also mentioned where it is clear that five cases has been registered against him. In para 77 of the case-dairy SDPO Madhepura found case true against this petitioner along with other co-accused person in his supervision report. After finding the case true the charge-sheet has already been submitted against this petitioner and other two co-accused persons u/s 302 and 201 read with 34 of the IPC mentioned in para 85 of the case-dairy.

Hence, considering the aforesaid facts and circumstances of the case, the materials available in the case-dairy in support thereof, I find that it is not justified to grant the petitioner on privilege of bail, accordingly, prayer for regular bail of this petitioner namely, Amrendra Kumar @ Amrendra Kumar Sah stands rejected in connection with Sessions Trial Case No. 35 of 2021.

Deepanshu Srivastava
Addl.S.J.-VIII 22/09/21
Madhepura