

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19761 of 2015

Arising Out of PS.Case No. -260 Year- 2013 Thana -BODHGAYA District- GAYA

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Pankaj Kumar Son of Bhagirath Yadav @ Sadhu Yadav Resident of
Village- Sewa Bigha, Bodh Gaya P.S.Bodh Gaya, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.
Mr. Satya Veer, Advocate.

For the Opposite Party/s : Mrs. Rina Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 18-08-2015 Heard learned counsel for the parties as with regard to the

prayer for grant of anticipatory bail in connection with an offence under

sections 120B/302 of the Indian Penal Code.

Mr. Ranjan Kumar Jha, learned counsel for the petitioner,

in support of the aforementioned prayer has submitted that there is

absolutely nothing to connect the petitioner with the alleged offence

and in fact the police till date has not been able to find out any material

to connect the petitioner as with regard to death of the deceased and/or

murder of the deceased in suspicious circumstances.

This Court had called for the case diary and from its

perusal it appears that whatever investigation that has been made in this

case, till now raises only a finger of suspicion against the petitioner on

the basis that he was an old acquaintance or in fact even having extra

marital affair with the deceased both prior to and even after her



marriage and thus, it is he, who, on the fateful day, had taken away the deceased from the clinic of the doctor and thereafter had done to death. Para-17 of the case diary, which records the gist of investigation, as on that day, on the basis of the supervision note, will also go to show the existence of some material but the Investigating Officer himself was not sure of the involvement of the petitioner, till the call details of his mobile no. 9771647167 was examined by him with calls details of the mobile phone of the deceased. From the case diary, it appears that such instruction given by the senior police official to the investigating officer for looking into C.D.R. has remained still not been complied primarily because the petitioner has not become available for the custodial interrogation by the police. In fact, nothing has happened after the aforesaid clue being found by the police with regard to the investigation being zeroed on the basis of the call detail report of the mobile phone of the petitioner.

Under such circumstances, this Court would direct the petitioner to surrender before the court below within a period of four weeks from today whereafter he shall be released on provisional bail for a period of four weeks on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 260 of 2013; subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving

genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.
- (iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

In the aforesaid period of four weeks of provisional bail, the petitioner shall, immediately within a week of his being granted bail, report to the Officer-in-charge of Bodh Gaya Police Station and the Officer-in-charge and/or Investigating Officer shall, after making necessary interrogation from the petitioner, as also seeking full details of his mobile phone, will take immediate steps for verification of the call details from his mobile with the mobile of the deceased.

Having thus completed the investigation against the petitioner within a period of two weeks, the Officer-in-charge and/or Investigating Officer shall submit its report to the court below and if the court below, on the report of the investigating officer, finds any material showing complicity of the petitioner on account of call details having proximity with the date and time of occurrence, the provisional bail of the petitioner shall no longer be extended and thereafter he shall be taken into custody and will be only entitled to make prayer for regular bail but on the other hand if in course of such investigation nothing is found by the police against the petitioner even from the calls details of mobile of the petitioner and the deceased or any other connected material collected after interrogation from the petitioner, his provisional bail shall be confirmed by the court below.

With the aforesaid observation and direction, this application is disposed of.

Let a copy of this order be sent to the Senior Superintendent of Police, Gaya as well as Officer-in-charge of the Bodh Gaya Police Station and also to the trial court for its compliance in letter and spirit.

(Mihir Kumar Jha, J)

Sujit/-

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