

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56630 of 2015

Arising Out of PS.Case No. -142 Year- 2015 Thana -GAURICHAK District- PATNA

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Anup Kumar @ Anup Choudhary Son of Bhola Choudhary, Resident of
Village-Janakpur (Madhumati Ashram), P.S.-Muffasil, Dist.-Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Nityanand (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 24-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in
connection with Gaurichak P.S. Case No. 142 of 2015 registered
for offences under sections 279/304A/302 of the Indian Penal
Code.

As per the first information report which was made
by the informant, Rana Pratap Singh stating therein that his son
Sudhir Kumar was engaged in the business of contractor of Tower.
On 22nd July 2015 the victim has proceeded to the place of his
work. On the same date at about 10.30 P.M. Sudhir Kumar, Anup
Kumar (the present petitioner) and one unknown person were
returning to Patna with a car bearing registration No. BR-02Q-5378
and at about 2.30 A.M. a call was received by the informant that



the aforesaid car has met with an accident in which his son was coming. When the informant had reached Gaurichak Police Station, he found the car in a very bad shape and his son was found dead in a suspicious circumstances and his gold necklace weight is about 50 grams, was not there, shown the suspicion that his son has been killed by Anup Kumar and the unknown person as whose mobile number has been provided, on that basis, the Police registered the case under sections 279/304A of the Indian Penal Code. The Police proceeded for investigation and later on, section 302 of the Indian Penal Code was added.

This Court has called for the case diary.

The counsel for the petitioner submits that it was mere an accident in which the victim-Sudhir Kumar died and the petitioner has wrongly been framed in the present case. He has further submitted that after accident the feature of car has been found in a bad situation itself depicts that it was a severe accident. He has also stated that the post mortem report does not indicate that it is a case of murder rather it shows the death occurred on account of accident whereas the counsel for the informant has submitted that it is out and out a case of murder with connivance of unknown persons, as the Police has gone to detailed investigation. Feature of the place of occurrence as per the claim of the informant, the side in which the victim sat, was badly

damaged, but there is no scratch on the right side and so much so, it does not show the case of an accident rather after committing murder of the son of the informant purposely the vehicle was dashed and shape of the vehicle was disturbed.

In the present case, Police has investigated the case and charge sheet has been submitted.

The petitioner is in custody since 25/08/2015.

This Court is not giving any opinion on the merit of the case, as it may affect the outcome of the trial, but looking to the nature of allegation, facts and circumstance of the case and post mortem report, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Anand Kumar, Judicial Magistrate 1st class, Patna City, Patna in connection with Gaurichak P.S. Case No. 142 of 2015, subject to the condition that (i) one of the bailors shall be father of the petitioner and (ii) the petitioner would cooperate in the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will have liberty to cancel the bail of the petitioner.

(Shivaji Pandey, J)

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