

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50878 of 2017

Arising Out of PS.Case No. -79 Year- 2017 Thana -KONCH District- GAYA

=====

Sharvan Singh @ Shravan Kumar Son of Late Bhola Singh, R/o Village-
Limri, P.S.- Konch, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Smt. Pronati Singh

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 10-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Konch P.S. Case No. 79 of 2017 dated 09.04.2017 instituted for
the offence under Sections 302/34 of the Indian Penal Code.

The petitioner is the son of the deceased. The
wife of the deceased has lodged the F.I.R alleging that her
husband had gone out of his village home on 08.04.2017 for the
purposes of collecting money from people against whom such
money was due. On the same day, she was informed by the local
police that the dead body of her husband is lying near a canal. The
informant has, therefore, suspected the hands of co-villager
Kameshwar Singh and his two sons viz. Akhilesh Singh and
Rockey Kumar who had made the deceased part with around 2.25
acres of land and had not paid any money for the same. Whenever



money was demanded by the deceased from them, they dilly dallied. Earlier also, it has been asserted by the petitioner, the named accused persons of the F.I.R had threatened the informant and the deceased and had also assaulted her. On the basis of the aforesaid statement of the wife of the deceased, the subject F.I.R was registered for investigation against co-accused Kameshwar Singh and his two sons.

During the course of investigation, one of the cousins of the petitioner viz. Vicky Kumar, whose statement has been recorded in para 23 of the case diary, has stated that he was accompanying the deceased when the deceased was chased by 3-4 persons including the petitioner and the deceased, thereafter, was dashed on the ground and killed. From the F.I.R itself, it appears that for several days, the deceased had been staying with his brother-in-law at Gaya i.e. father of the aforesaid Vicky Kumar whose statement has been referred to above.

Learned counsel for the petitioner has submitted that deliberately and with a purpose, the aforesaid statement has been made by Vicky Kumar who also is related to the named accused persons of this case viz. Kameshwar Singh and his two sons. It has further been stated that there was no reason for the petitioner to have participated in killing of the deceased who is his



father and prior to the lodging of the present case, the petitioner has filed a case against Kameshwar Singh and others for having assaulted and threatened the family members of the petitioner and the deceased. After coming to know of the false implication of the petitioner, the wife of the deceased (mother of the petitioner) has sworn an affidavit stating that the deceased has been killed by the named accused persons and that the petitioner has been falsely implicated by Vicky Kumar. Apart from the statement of Vicky Kumar, it has been submitted, there is no other material to connect the petitioner with the crime.

The petitioner is in custody since 15.07.2017.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Konch P.S. Case No. 79 of 2017.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

