

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20079 of 2019**

Arising Out of PS. Case No.-764 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

Sanjeev Kumar, son of Shivjee Rai @ Shivji, Resident of Sondho Ratti P.S.-
Goraul, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jain

For the Opposite Party/s : Mr.Suresh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 02-04-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since 31.12.2018 in connection with Hajipur Sadar P.S. Case No.764 of 2018 registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Sanju Kumari recorded by S.H.O. Hajipur Sadar on 25.12.2018 at 10.15 P.M. is to the effect that the informant's husband was working in a transport company and on 25.12.2018, the informant's husband had gone to Patna from Hajipur. On the same day at 8:30 P.M., when the informant contacted on her husband's mobile phone, he conveyed that he is about to reach



to office in 10 minutes and when after some time, the informant again contacted on her husband's mobile, someone else tricked up the phone call and conveyed the informant that her husband has met with a road accident and his dead body is lying at Ramashish Chawk, Hajipur. At 10:00 P.M., when the informant along with others reached at Ramashish Chawk, she found her husband's dead body lying on the road having gunfire injury on left back and temporal region of the dead body, leading to the registration of FIR against unknown. Subsequently, informant's statement was recorded that since the informant's husband was having illicit relationship with the sister of the petitioner hence the petitioner killed the husband of the informant.

It is submitted by learned counsel for the petitioner that there is no eye witness to the alleged occurrence and he is not named in the FIR and only on the basis of suspicion, the petitioner has been made accused in the case. It is further submitted that the petitioner is not having criminal antecedent, statement to that effect has been made in paragraph no.3 of the bail application.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the subsequent statement, the informant has raised suspicion that since the deceased was



having illicit with the sister of the petitioner, the petitioner has confessed his guilt during investigation, as reflected in the impugned order.

Considering the suspicious nature of accusation and the materials available on record, particularly, the impugned order which has been passed after going through the case diary does not suggest that any direct material has been collected against the petitioner, investigation has already been concluded, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.764 of 2018.

(Dinesh Kumar Singh, J)

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