

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1292 of 2019

Arising Out of PS. Case No.-244 Year-2014 Thana- DHAMDAHA District- Purnia

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Anil Mandal, Late Shyam Sunder Mandal. Resident of Village- Mahikhanda
Nevi Sah Tola, P.S.-Barhara, District- Purnia. At present at Bausi Purdah, P.S.-Dhamdaha, District-Purnia.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.N.K.Agrawal, Senior Advocate Mr.Rama Nand Poddar, Advocate Ms.Preety Kunwar, Advocate
For the Opposite Party/s :		Mr.Kumar Ranjit Ranjan, APP
For the Informant	:	Mr.Md.Fazle Karim, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 10-06-2019 Heard learned counsel for the petitioner and learned
APP for the State assisted by learned counsel for the informant.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The F.I.R. was lodged on 24.09.2014 on the statement of local chowkidar on recovery of a dead body of an unknown female aged about 22 years. Her murder was committed by cutting the neck. On 01.04.2015, statement of *Rajiv Kumar*, brother of the deceased was recorded under Section 164 of the Code of Criminal Procedure, wherein he stated that the petitioner and co-accused *Kundan* came to the



house of *Rajiv Kumar* then took the deceased, her mother as well as *Rajiv Kumar* to Katihar on a Bolero vehicle. At Katihar, *Kundan* got down from the vehicle and others travelled along with the petitioner through train for Delhi. From Delhi the petitioner took the three to Ambala and from Ambala to somewhere which was not known to *Rajiv Kumar*. At that place the petitioner asked *Rajiv Kumar* to bring firewood. *Rajiv Kumar* was kept in the service of a *Sardar* where *Rajiv Kumar* was assaulted and he was treated at the hospital. Thereafter, brother of *Rajiv Kumar* was informed at Purnea. He came to Punjab and took *Rajiv Kumar* to the village. When the Deputy Superintendent of Police showed the photographs of the deceased, this witness identified her.

Submission is that the petitioner is in custody since 01.10.2018. He has been falsely implicated in this case at the belated stage at behest of the family members of the deceased. There is no reason that statement of ten years old child was recorded under Section 164 of the Code of Criminal Procedure after 08-09 months of the recovery of dead body.

Learned counsel for the informant opposed the prayer for bail on the ground that sufficient material is there against the petitioner showing his involvement in the crime



alleged. The mother of *Rajiv Kumar* is still traceless.

Considering the fact that only circumstantial evidence is there against the petitioner and he is in custody since 01.10.2018, let the petitioner, above named, be released on bail *after framing of the charge* on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dhamdaha Police Station Case No.244 of 2014, subject to condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below and the petitioner shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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