

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44258 of 2019

Arising Out of PS. Case No.-281 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Dilip Choudhary S/o Puran Choudhary R/o Naya Bazar Chaiti Durga
Asthan, Ward No. 28, P.S.- Kabaiya (Lakhisarai), District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Ms. Babita Kumari, Advocate Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s :	Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 365 and 363 of the Indian Penal Code. Later on offences under Sections 302 and 201 of the Indian Penal Code was added.

According to First Information Report, father of the informant, aged about 66 years, was seen at about 5 PM on 28.03.2019 by one Umakant son of Kishun Sinha. Thereafter, father of the informant was found missing. His mobile phone was closed and his whereabouts was not traced out even after endeavour made by the informant and others. Suspicion is against the petitioner and co-accused Lallu Kumar that they had



taken money from the father of the informant as father of the informant was giving money to different persons on loan and further statement is that on demand the petitioner and Lallu Kumar were not refunding the amount. Hence, the petitioner and Lallu Kumar were suspected to be involved in the occurrence. The case-diary would reveal that the police did not record statement of Uma Kant; rather statement of some other witnesses were recorded wherein they stated that they had seen the deceased at the shop of this petitioner on 28.03.2019 at 1:24 PM and the activity of the petitioner and others was suspicious thereat. On the basis of CCTV footage it was found that the deceased had gone to the shop of the petitioner.

Learned counsel for the petitioner submits that the FIR reveals that the deceased was seen by one Uma Kant at 5:00 PM on 28.03.2019. Hence, even if it is assumed that he was at the shop of the petitioner at 1:24 PM on the same day he must have returned from there and was seen by Uma Kant at 5:00 PM. Therefore, only material is suspicion for the reason that the deceased had advanced money to the petitioner and the petitioner was not refunding the same. The deceased was doing the same business with others also. Hence, the pointer was not towards the petitioner only. Investigation of the case is already



complete.

Learned counsel for the informant submits that complete case-diary is not with him. Hence, perusal of the entire case-diary is necessary to see the material against the petitioner.

Considering the fact that the entire allegation is based on suspicion, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Lakhisarai (Kabaiya) P.S. Case No.281 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below having immovable property in his name.

(b) The petitioner shall fully cooperate with the 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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