

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.567 of 2020

Arising Out of PS. Case No.-127 Year-2018 Thana- ROSHANGANJ District- Gaya

Dhanjay Prasad @ Bholi Mistri, Son of Narayan Prasad, Resident of Village -
Raushanganj, P.S.- Raushanganj, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Arvind Kumar Singh, learned counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as per the written report of Ajay Kumar submitted to the Station House Officer, Raushanganj Police Station, is to the effect that the father of the informant, Dukhaharan Yadav @ Manmohan Das used to reside in a hutment since last 5-6 years in village – Itwa from the date of lodging of the case. On 29.08.2018 at 7.00 A.M. the Station House Officer, Raushanganj P.S. informed the informant that his



father has been done to death by unknown persons. Thereafter, the informant reached there and found his father dead with crushing injury, leading to the registration of the FIR against unknown. It is alleged that the petitioner's wrist watch was recovered from the place of the occurrence, hence, the name of the petitioner sprang up in the present case.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the alleged wrist watch and he disowned the same. There is no conclusive proof that the wrist watch belong to the petitioner. The petitioner is languishing in custody since 27.06.2019 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that there is circumstantial evidence against the petitioner.

Considering the suspicious nature of accusation, investigation has already been concluded and statement being made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the



learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Raushanganj P.S. Case No. 127 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Raushanganj P.S. Case No. 127 of 2018.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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