

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.773 of 2020

Arising Out of PS. Case No.-577 Year-2019 Thana- SAHAYAK NAGAR District- Katihar

Pradip Kumar Das, Son of Ashok Kumar Das @ Ashok Prasad Das Resident of Mohalla- Teja Tola, Ward No. 4, Mirchaibari, P.S.- Katihar Town Sahayak, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Sinha

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-05-2020 Heard Mr. Prashant Sinha, learned counsel for the petitioner and learned counsel appearing for the State, through video conferencing.

The petitioner seeks regular bail in connection with Katihar Town (Sahayak) P.S. Case No. 577 of 2019, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The allegation against the petitioner is that, three persons, namely, Jyotish Kumar @ Kukku, son of Ashok Prasad Das, Pankaj Mandal, son of Gopal Mandal and Tapas Kumar Das, son of Upendra Das arrived at the house of the informant and called her son, namely, Rupesh Kumar, for some conversation. After half an hour, the informant heard the sound of cry then she reached near Middle School, Tejatola and saw



that accused persons were assaulting her son and later on during the course of treatment at Siliguri, her son died.

Learned counsel for the petitioner submits that it has been alleged in the FIR that Rupesh Kumar (deceased) was taken to Sadar hospital, Katihar from where he has been referred to Siliguri Hospital and during the course of treatment he died. Learned counsel further submits that no fardbeyan was recorded at the Sadar hospital and even at Siliguri after the death of the son of the informant on UD case was registered and no allegation was made against the petitioner and only after lapse of three days, FIR has been lodged by the informant at Katihar with oblique motive inasmuch as both the parties are neighbour and there is land dispute between them. Learned counsel further submits that there is unexplained delay in lodging the FIR which creates doubt in the prosecution story. Learned counsel further submits that the deceased was having a criminal antecedent and referring to para 6 of the petition submits that a large number of cases related to dacoity and Arms Act were lodged against him.

Learned counsel for the State referring to the supervision note recorded in para 60 of the case diary submits that Supervising Authority has mentioned that involvement of the petitioner in commission of the present crime was not apparent. The



petitioner is in custody since 12.11.2019.

Having heard learned counsel for the parties and taking into consideration the fact that there is unexplained delay in lodging the FIR and the petitioner is in custody since 12.11.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Katihar Town (Sahayak) P.S. Case No. 577 of 2019.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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