

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4026 of 2020

Arising Out of PS Case No.-376 Year-2019 Thana- PATNA CITY CHOWK District- Patna

Akhilesh Roy, aged about 28 years, Male Son of Ram Nath Ray, Resident of
Mohalla - Raja Babu Ki Gali, P.S.- Chowk, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N K Agrawal, Sr. Advocate Mr. Prakash Chandra Agrawal, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP
For the Informant	:	Mr. Shyamal Prakash, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 04-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. N K Agrawal, learned senior counsel along with Mr. Prakash Chandra Agrawal, learned counsel for the petitioner; Mr. Brajendra Nath Pandey, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Shyamal Prakash, learned counsel for the informant.

3. The petitioner is in custody in connection with Chowk PS Case No. 376 of 2019 dated 08.11.2019 instituted under Sections 364/34, 302 and 201 of the Indian Penal Code.

4. The allegation against the petitioner and others is of being party to the murder of the husband of the informant.



5. Learned counsel for the petitioner submitted that from the admitted position, co-accused Mahadeo Gupta is said to have rung up the informant and asked her to send her husband to his place on 06.11.2019 and thereafter, the husband did not return and later, on 12.11.2019, the dead body was recovered. Learned counsel submitted that during investigation also it has come that it was at the instance of co-accused Mahadeo Gupta that the murder took place. Learned counsel submitted that the role assigned to the petitioner is that he was initially aware of the crime being committed but he did not participate in the killing and after the killing, it is stated that he came along with his tempo and the dead body, which was kept in a sack, was taken for being dumped somewhere. Learned counsel submitted that the main accused Mahadeo Gupta has been granted bail in Cr. Misc. No. 15469 of 2020 on 03.03.2020. It was submitted that co-accused Binay Kumar, Sanjay Gupta and Raju Sharma have been granted bail by the Court below itself. It was submitted that the petitioner having no other criminal antecedent is in custody since 16.11.2019.

6. Learned APP, from the case diary, submitted that the petitioner was aware of the plan to kill as all the other co-accused in their confessional statement, as also the petitioner, have admitted of being aware and further that it was the petitioner's



tempo which was used to take the dead body for being damped and on his information, the body has been recovered. However, he did not controvert the fact that during investigation also it has come that the petitioner did not take part in killing of the deceased.

7. Learned counsel for the informant submitted that the petitioner was the person who had taken away the dead body on his tempo and, thus, he was the main person who is responsible for trying to dispose off the body and hide the evidence.

8. Learned counsel for the petitioner submitted that the petitioner was not alone and others had also disclosed with regard to the location of the body from where it was recovered.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City, District-Patna in Chowk PS Case No. 376 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also



give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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