

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5051 of 2020

Arising Out of PS. Case No.-16 Year-2019 Thana- BATH District- Bhagalpur

NIKHIL KUMAR Son of Ramdhani @ Ramadhin Singh Resident of Village -
Barsanda, P.S.- Tetiya Bambar, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ranjan Kumar Jha
For the Opposite Party/s :	Mr.Amit Kumar Rakesh
For the Informant :	Mr. Ranjan Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-05-2020 Heard Mr. Ranjan Kumar Jha, learned counsel for
the petitioner and Mr. Ranjan Kumar Jha, learned counsel for
the informant.

The petitioner, who is in custody since 18.10.2019
seeks bail in connection with Sessions Trial No 666 of 2019
arising out of Bath P.S. Case No 16/2019 dated 09.04.2019
instituted for the offences under Sections 302 and 201 of the
Indian Penal Code and Section 27 of the Arms Act.

From the First Information Report, it appears that the
dead body of the deceased was found thrown by the side of the
road, which was identified by the wife of the deceased, who is
the informant of the present case. In the First Information
Report, a suspicion has been raised against one Murlidhar Jha,



who had lent Rs. Six Lakhs to the deceased but he was not ready to accept money and wanted a plot of land in lieu of that money. During the course of investigation the names of one Rupa Panjiar and Rajiv Choudhary transpired. Rupa Panjiar is stated to be elder sister in law of the deceased. Further investigation led to the implication of other persons including one Funtush, who is said to have accepted the contract for killing the deceased.

There are two theories with respect to the death; one being the illicit relationship of co-accused Puja with Rajiv and other perhaps property dispute. The petitioner has been made accused in this case on the basis of call detail report (CDR), in which his number was found to be engaged with aforesaid Funtush Jha while the crime was being committed. Apart from this, there does not appear to be any cogent material to saddle the petitioner with the charge of murdering or conspiring to murder the deceased. Rajiv Choudhary, Murlidhar Jha and Funtush have been granted bail, which facts have been mentioned in the impugned order as also in the bail petition.

Mr. Ranjan Jha, learned counsel for the informant, however, has pointed out that aforementioned persons were granted bail on the basis of earlier bail having been granted to Murlidhar



Jha who had not even been sent up for trial. The case of the petitioner stands on a different footing in as much as the bail applications of one Munna Yadav and Rupa Panjiar have been rejected. It has also been submitted by learned counsel appearing on behalf of the informant that now the trial of the case has begun and one of the witnesses has also been examined.

However, considering the afore-stated facts and materials against the petitioner regarding his involvement on the basis of call detail report leading to an inference that he was in contact with one of the co-accused Funtush, who has been granted bail, this court is inclined to grant bail to the petitioner.

The petitioner is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -XIII, Bhagalpur, in connection with Bath P.S. Case No 16/2019.

However, it is made clear that the petitioner would be under an obligation to participate in the trial and any effort of his to evade the trial proceeding would give liberty to the informant to prefer an application for cancellation of his bail. Once such a petition is filed, the Trial Court shall take such



petition seriously and shall proceed in the matter.

The petitioner shall not absent himself from the trial proceedings on two consecutive occasions without obtaining the prior permission of the court and that also for valid and cogent grounds.

The bail petition stands allowed.

(Ashutosh Kumar, J)

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