

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6101 of 2020**

Arising Out of PS. Case No.-35 Year-2019 Thana- KARAMCHAT District- Kaimur (Bhabua)

DEVANAND TIWARI Son of Late Dinesh Tiwari Resident of Village -
Lodhi, P.S. - Chenari, District - Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Arun Kumar Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 09-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Karamchat P.S. Case No. 35 of 2019

registered for the offences punishable under Sections 302, 201

of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the

First Information Report was lodged when the dead body of the

deceased Prakash Pandey was found in the alluvial area of

Durgawati river. The petitioner was not named in the First

Information Report lodged on 05.08.2019. On 07.08.2019 co-



accused Dheeraj was arrested and his confessional statement was recorded in which also the name of this petitioner has not come but almost more than one and half months after the FIR, parents of the deceased raised a suspicion saying that the four persons had come to their house and they had taken away the deceased, they have named this petitioner also. It is submitted that the deceased happened to be a dreaded criminal of the locality and in paragraph '68' of the case diary it has come that he had 14 cases on his head.

Learned counsel submits that the statements made by the parents of the deceased one and half months after the FIR was lodged, the dead body was found are nothing but based on mere suspicion.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. He has gone through the case diary and admits that in his statement the co-accused Dheeraj has not named this petitioner, further the parents of the deceased recorded their statements more than one and half months after the FIR was lodged and further in paragraph '68' it has come that the deceased was having 14 cases on his head.

In the given facts and circumstances of the case, considering the submissions on behalf of the petitioner that his



name has come in this case on mere suspicion on the basis of the statements of the parents of the deceased which were recorded one and half months after the dead body was found and further that the deceased was himself a dreaded criminal of the locality having 14 cases on his head and save and except the statement of the parents of the deceased, no other material has been collected against the petitioner in course of investigation and there is no submission that his release at this stage would adversely affect the trial, investigation against him is complete and chargesheet filed, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhabua (Kaimur) in connection with Karamchat P.S. Case No. 35 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly,



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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