

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8314 of 2020

Arising Out of PS. Case No.-250 Year-2019 Thana- SABAUR District- Bhagalpur

Kundan Kumar, Son of Raju Mandal, Resident of Village - Masaru, P.S.-
Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Rajive Ranjan 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 initially registered for the offence punishable under Section 363 of the Indian Penal Code. Subsequently, Sections 302 and 201/34 of the IPC were also added.

The prosecution case, as per the written report of Rajkumar Paswan submitted to the Station House Officer of Sabour Police Station, is to the effect that on 10.08.2019 at 7.00 P.M. the son of the informant, Akhilesh Kumar came home after taking tuition and thereafter took two hundred rupees from his



mother for recharging the mobile and went out the house, thereafter, he did not return, leading to registration of the FIR against unknown. During investigation, on 13.08.2019 the dead body of the son of the informant was recovered. Thereafter, one Anjali Kumari, whose statement has been recorded in paragraph 31 of the case diary, as gets reflected from the impugned order, stated that on 10.08.2019 at 7.00 P.M., the petitioner, his brother-in-law, Sanjay Mandal and two other persons asked her to call the victim and on her refusal, the petitioner himself went and called the victim. On next day, the petitioner and one Raj informed Anjali Kumari that Akhilesh, the son of the informant, has been done to death.

It is submitted by learned counsel for the petitioner that that the FIR has been lodged against unknown and since Anjali Kumari was in inimical terms with the petitioner, hence, she fabricated a false story. It is further submitted that if she disclosed the facts on 10.08.2019, then the petitioner ought to have been named in the First Information Report itself. It is further submitted that the FIR has been lodged after two days of the occurrence against unknown, meaning thereby, said Anjali Kumari did not disclose this fact to the informant and her statement in the case dairy appears to be false. The petitioner is



languishing in custody since 24.08.2019 and the 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 the name of the petitioner sprang up during investigation and there is circumstantial evidence against the petitioner.

Considering the fact that the accusation against the petitioner is based on circumstantial evidence, 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 Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 250 of 2019.

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 Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 250 of 2019.

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)

DKS/-

U		T	
---	--	---	--

