

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6238 of 2020

Arising Out of PS. Case No.-323 Year-2011 Thana- KHAGARIA District- Khagaria

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JOGI @ JOGO @ JOGINDRA LAHERI, Son of Ramotar Laheri, Resident of
Village-Bhadas (North), P.S.-Muffasil in the District of Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 302, 102B, 34 of the I.P.C.

The prosecution case as per the fardbeyan of Ranju Devi
recorded by S.I.-cum-S.H.O, M. Kumar, Khagaria Muffasil
Police Station on 18.08.2011 at 8.15 A.M. is to the effect that on
16.08.2011 at 8.00 P.M., six accused persons, including the
petitioner, came and took away the husband of the informant,
namely, Ram Chandra Thakur by assaulting and dragging.
Thereafter, the husband of the informant did not return. On the
next day, i.e., on 18.08.2011, the dead body of the husband of



the informant was recovered from a maize field of Jogindra Sahni. The motive of the occurrence is an old land dispute.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 16.08.2011, the fardbeyan was recorded on 18.08.2011. On recovery of dead body on 18.08.2011, the postmortem was conducted, but the report suggests that the cause of death has not been ascertained by the doctor since the dead body was highly decomposed which suggests that the victim died several days prior to the alleged occurrence. The petitioner is languishing in custody since 17.05.2019 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 accusation of dragging and assaulting the husband of the informant is against several persons and subsequently after two days, the dead body was recovered.

Considering the fact that as per the FIR, it appears that the informant did not make any protest nor any information was given to the police about the husband being assaulted and taken away by the accused persons and recovery of highly decomposed dead body of the victim suggests that the victim



died much prior to the alleged date of occurrence, the accusation being omnibus and general, the investigation already being concluded coupled with statement 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 CJM, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 323 of 2011.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on 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 CJM, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 323 of 2011.

The learned Court below will further be at liberty to



extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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