

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5947 of 2020**

Arising Out of PS. Case No.-158 Year-2019 Thana- PIPRA District- East Champaran

Jay Pal Sah @ Jai Pal Kumar, aged about 26 years, Male, S/o Wakil Sah @
Vakil Sah R/o village- Bediban, Madhuban, P.S.- Pipra, District- East
Champaran, Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

4 18-09-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Pipra P.S. Case No. 158 of 2019
registered for the offence under Sections 302, 201, 120(B)/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the allegations the co-accused Krishna Kumar @ Chandan
Kumar had come to the door of the informant and asked his son
Vikas to accompany so that he may pay the outstanding labour
dues to the son of the informant. It is stated that the son of the
informant had happily gone with co-accused Krishna Kumar @
Chandan Kumar but thereafter when he did not return till 10:00



P.M. in night and his mobile phone was also coming off, the informant went to the house of co-accused Krishna Kumar but there nobody came outside the house and the informant returned to his place. In the meantime the children of the Vedi School raised a suspicion that they have seen the dead body of the son of the informant, thereafter a number of villagers went there. It is then alleged that about six months back this petitioner had entered into a scuffle with the wife the deceased and had warned her that he would kill somebody as he belongs to Mahakal Group. The informant alleged this petitioner and co-accused Krishna Kumar are group friends and they belong to the said Mahakal Group and they are involved in commission of crime, hence the informant raised a suspicion that both of them along with some unknown criminals have committed this act of murder.

Learned counsel submits that in course of investigation though the police has examined a number of witnesses but nobody has seen this petitioner either with the co-accused Krishna Kumar @ Chandan Kumar on the alleged date of occurrence nor with the deceased, the mobile phone details were obtained by police of the deceased, the co-accused Krishna Kumar @ Chandan Kumar and that of this petitioner but the call



details are also not showing any call made between this petitioner and co-accused. It is submitted that for this reason the supervising authority has recorded that any decision with regard to the accusation of this petitioner would be taken only after obtaining some concrete evidence. It is also pointed out that there is no criminal antecedent of this petitioner and in this regard the allegations are completely false and baseless. The co-accused Krishna Kumar @ Chandan Kumar has been granted privilege of regular bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 68857 of 2019.

Although learned APP for the State has opposed the prayer for anticipatory bail of the petitioner but after considering the facts and circumstances of the case particularly the materials in the case diary where this Court has noticed that till date the I.O. has not collected any material information with regard to the complicity of this petitioner in the present case, the petitioner has otherwise no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in



connection with Pipra P.S. Case No. 158 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

