

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7726 of 2020**

Arising Out of PS. Case No.-143 Year-2019 Thana- KUTUMBA District- Aurangabad

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UDESHP RAJWAR, S/o Sideni Rajbanshi, R/o village- Sanda, P.S.- Kutumba,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 02.10.2019 in a case registered for the offences punishable under Sections 302, 328 and 120B/34 of the Indian Penal Code.

The prosecution case as per the written report of Akshay Kumar submitted before the S.H.O., Kutumba Police Station is to the effect that on 30.09.2019 at 8.00 P.M., the father of the informant Saryu Mehta went to take dinner at the house of Naresh Rajwar, but he did not return. Next morning, at 9.30 A.M., the informant came to know that his father's dead body is



lying in a field west to his pump house. Thereafter, the police was informed and the informant went near the dead body and found his father dead. The informant also noticed foot prints of 2-3 persons on the ground and suspected that his father has been poisoned to death by the uncle of the informant, Arjun Mehta, Naresh Rajwar and the petitioner.

It is submitted by learned counsel for the petitioner that co-accused, Naresh Rajwar is the brother of the petitioner but he resides separately. There is specific case in the FIR that the informant's father went to take dinner at the invitation of co-accused, Naresh Rajwar, but the petitioner has only been named in the present case on the basis of suspicion. The postmortem report reflects no external or internal injury or any resisting injury. There is no viscera report on record to ascertain the cause of death. However, the viscera has been preserved and the investigation has already been concluded. It is further submitted that 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 informant's father went to take dinner at the house of the petitioner's brother and thereafter he did not return. Hence, there is strong circumstantial evidence against the petitioner



and his brother to have committed the offence.

Considering the fact that the petitioner is languishing in custody since 02.10.2019 and the investigation has already been 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, Aurangabad, in connection with Kutumba P.S. Case No. 143 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 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, Aurangabad, in connection with Kutumba P.S. Case No.



143 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

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