

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6983 of 2020

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

Naresh Rajwar S/o Sidani Rajwar @ Sideni Rajbanshi R/o village- Sanda,
P.S.- Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-06-2020 The matter has been taken up through virtual Court proceeding.

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

The petitioner is languishing in jail since 03.01.2020 in a case registered for the offences punishable under Sections 302, 328 and 120B/34 of the IPC.

The prosecution case, as per the written report of Akshay Kumar submitted to the SHO Kumtamba police station, is to the effect that on 30.09.2019 at 8.00 P.M., the father of the informant, namely, Saryu Mehta went to the house of the petitioner to take dinner but he did not return till 10.00 P.M., thereafter search was made but he could not be located. Next day, at 9.30 A.M., the dead body of the father of the informant



was traced out in the agricultural field of Manoj Vishwakarma. Thereafter, the police was informed. From the mouth of the informant's father, froth was coming out and the entire dead body had turned black. The trapping marks of three persons around the place of occurrence were found. It is alleged that the informant's father had fight with his brother Arjun Mehta, as in his opinion, the father of the informant used to practice witchcraft, leading to registration of the present FIR.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been made accused, no witness deposed that the father of the informant ever came to the house of the petitioner. The postmortem report reflects no external or internal injury except the froth coming out from nostril of the informant's father. It is further submitted that viscera has been preserved and the opinion of the doctor has been reserved. Investigation has already been concluded. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the father of the informant went to he house of the petitioner to take dinner and thereafter he went traceless. Subsequently, his dead body was recovered.

Considering the fact that the accusation is based on



circumstantial evidence, the investigation has already been concluded, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, coupled with the period in custody, 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 of the like amount each to the satisfaction of the learned CJM, Aurangabad including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in



physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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