

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10706 of 2020

Arising Out of PS. Case No.-98 Year-2015 Thana- BAIKUNTHPUR District- Gopalganj

SONU KUMAR Son of Kanhaiya Prasad Resident of Village - Mahua, P.S.-
Baikunthpur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh
For the Opposite Party/s	:	Mr. Anil Prasad Singh
For the informant	:	Mr. Surendra Prasad Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-09-2020 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioner apprehends his arrest in connection with Baikunthpur Police Station Case No. 98 of 2015, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report, is that the petitioner, along with his family members, killed the daughter of the informant due to land dispute.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to



previous land dispute. He further submits that the petitioner is the own nephew of the informant and all the family members of the petitioner along with one Vinod Rai have been made accused in this case and the falsity of the First Information Report is further evident from the fact that Vinod Rai had already died in the year 2006 itself. He further submits that in course of investigation, the police has detected and recorded in paragraphs 4 and 5 of the case diary that the floor of the house of the informant was found wiped off by means of duster, containing some human blood and the police seized the duster, sent it for forensic examination and in the report of the Forensic Science Laboratory, as contained in paragraph 93 of the case diary, the presence of human blood has been found in the duster. He further submits that at the place of occurrence, which is mentioned in paragraph 7 of the case diary, nothing objectionable was found near the place of occurrence and it appears that the deceased was killed somewhere else and the dead body was kept in the orchard of one Bharat Tiwary and the blood stain was found near the legs of the dead body; whereas the injury was found on the neck of the dead body. He further submits that the police suspected in paragraph 34 of the case diary that it was a case of honour killing and the petitioner,



along with accused persons, have been implicated in this case due to family dispute. He further submits that on 13.11.2019, the Deputy Superintendent of Police, for the first time, has directed for arrest of the accused persons, which gave rise to the apprehension of arrest of the petitioner and the petitioner moved an application for grant of anticipatory bail, before the learned Court below, which has been rejected.

On the other hand, learned Counsel for the informant and learned Additional Public Prosecutor for the State vehemently oppose the prayer for anticipatory bail and submit that the petitioner has waited for five years for filing an application for grant of anticipatory bail and the minor daughter of the informant has been killed by the petitioner and other co-accused persons and the father of the petitioner, Kanhaiya Prasad, has been granted regular bail by this Court and as such, the petitioner does not deserve privilege of anticipatory bail.

Having heard learned Counsel for the parties and taking into consideration the materials on record, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a



period of six weeks from today, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj, in connection with Baikunthpur Police Station Case No. 98 of 2015.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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