

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12600 of 2020

Arising Out of PS. Case No.-15 Year-2019 Thana- VIDYAPATINAGAR District- Samastipur

SANJAY KUMAR RAI @ SANJAY RAI S/o Prayag Rai Resident of Village-
Simari, P.S.- Vidyapatinar, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surya Narayan Roy, Adv.
For the State	:	Mr. J. N. Thakur, APP
For the Informant	:	Mr. Lakshmindra Kumar Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-06-2020 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 17.07.2019 in a case registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

The prosecution case as per the written report of Shambhu Rai submitted before the S.H.O., Vidyapati Nagar Police Station is to the effect that on 14.02.2019, the son of the informant, namely, Amresh Kumar went to his brother's house, but he did not return. On 15.02.2019, at 11.00 A.M., the informant came to know that near railway crossing, the dead



body of his son is lying. When the informant went there, he found the dead body of his son with slit injury on the neck. It is alleged that since there was a land dispute between the petitioner and the informant since last six months prior to the occurrence, hence, suspicion has been raised against the petitioner that he killed the son of the informant.

It is submitted by learned counsel for the petitioner that admittedly, the petitioner was in inimical terms due to earlier land dispute, hence, there was no occasion for the informant's son to visit the petitioner's house. It is further submitted that from the impugned order, it appears that there is no eye witness to the alleged occurrence 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 counsel for the informant submits that the petitioner is on inimical terms with the informant hence, he killed the son of the informant. Though, he further admits that there is no eye witness to the alleged occurrence and the accusation is based on the basis of suspicion. Similar is the submission of learned counsel for the State.

Considering the suspicious nature of accusation,



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 Additional Sessions Judge, Dalsingsarai, Samastipur, in connection with S. T. No. 591 of 2019, arising out of Vidyapati Nagar P.S. Case No. 15 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 Additional Sessions Judge, Dalsingsarai, Samastipur, in connection with S. T. No. 591 of 2019, arising out of Vidyapati



Nagar P.S. Case No. 15 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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