

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11520 of 2020**

Arising Out of PS. Case No.-147 Year-2019 Thana- JALE District- Darbhanga

VIKASH KUMAR Son of Sri Jogi Sah Resident of Village - Dhepura, P.S.-
Bisfi, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

3 02-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Akhileshwar Dayal, learned APP for the
State.

The petitioner in the present case is seeking regular
bail in connection with Jale P.S. Case No. 147 of 2019
registered for the offences punishable under Section 302 of IPC.

Learned counsel for the petitioner submits that as per
the prosecution report the marriage of the daughter of the
informant was solemnized with this petitioner on 21.04.2019.
She had gone to her Sasural but there She had found that her



husband is having illicit relationship with his bhabhi and on protest she was beaten by her husband and Gotni whereafter the daughter of the informant came back to her Maika. It is alleged that after two days i.e. on 11.09.2019 the son-in-law of the informant came to the house of the informant without any motorcycle and mobile. For few days he remained there and on 16.09.2019 when the daughter of the informant had gone in her room, after some time the another daughter of the informant and sister of the deceased sensed that the deceased Anjali was making some sound whereupon the sister of the deceased found that her brother-in-law was fleeing away, then she asked him where he was going. She went to the room of her sister and found her lying dead. One saree was found tied with the neck of the deceased. It is claimed that the neighbours also came there and all of them tried to catch hold of the son-in-law of the informant but the son-in-law (petitioner) fled away.

Learned counsel submits that admittedly the death has taken place in the Maika of the deceased and the post mortem report disclosed that there was a ligature mark all round the neck of the deceased. Learned counsel further points out that in this case the inquest report was prepared on the basis of a Sanha



entry made on 17.09.2019 at about 1:00 P.M. Inquest report shows no injury on the body of the deceased and on 17.09.2019 police was not given any written complaint alleging against the petitioner. It is only by way of an after thought that the FIR was lodged on 19.09.2019 i.e. two days after the alleged occurrence.

Learned counsel further submits that although in the FIR it is stated that the neighbours of the informant came to the alleged place of occurrence and tried to chase the petitioner but in course of investigation no co-villager or neighbour of the informant has come forward to say that he had seen the petitioner in the house of the informant and/or had chased the petitioner after the alleged occurrence. It is submitted that the two co-villagers have simply stated that they had seen the other co-villagers going towards a particular direction but who were those villagers is not disclosed and no actual person has come forward to claim that he had chased the petitioner.

Learned APP for the State has opposed the prayer for regular bail of the petitioner as according to him the petitioner had gone to the house of the informant and on the alleged date of the occurrence he was present there but no particular material has been pointed out to this Court to demonstrate even at this stage that presence of the petitioner has been noticed by any



independent witness.

Having heard learned counsel for the petitioner and learned APP for the State as also on perusal of the records and the case diary, at this stage this Court has noticed that the death of the daughter of the informant had taken place in her Maika and there is no independent witness to say that the petitioner was present on the date of occurrence in the house of the informant. No other material has been brought to the notice of this Court. The petitioner is in custody since 03.01.2020, investigation against him is complete and it is not the argument of the State that release of the petitioner at this stage is in any way likely to interfere with the course of trial and tamper with the evidence. In these circumstances, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M I, Darbhanga in connection with Jale P.S. Case No. 147 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, oft
he commission of which he is suspected, and

(c) that such 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 or
tamper with the evidence.

And further condition that he will abide by and
observe the guidelines and directives of the Government of
India and the State Government with regard to COVID-19
Pandemic during the lockdown period. The authorities
concerned shall take appropriate steps to ensure such
observance prior to and after release of the petitioner.

This application is allowed.

(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'.

