

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15730 of 2020

Arising Out of PS. Case No.-260 Year-2019 Thana- BARUN District- Aurangabad

JAI KUMAR Son of Jagdish Singh Resident of village - Chura, P.s.- Barun,
Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 07-07-2020 Heard learned counsel for the petitioner as well as
learned APP through video conferencing.

Informant who is second wife of deceased lodged this case putting allegation that during course of asleep, she awoke after hearing cry of her husband and found him in a pool of blood having injury over his stomach. She had also seen two persons escaping therefrom on a motorcycle whom she failed to identify.

Accordingly, FIR was registered against unknown. During course of investigation, the witnesses have stated that deceased was married since before but as he was issueless, he remarried with the informant with whom he has three issues. Subsequently, first wife also begotten a child and so, there might have been strained relationship on that very score. Further, as is evident from para-27 of the case diary, call details were taken



out wherefrom it is apparent that informant had talked with somebody else in the fateful night as well as in the morning and since thereafter, the mobile was off. Thereafter, the I.O. put informant on litmus paper test as is evident from para-42 of the case diary whereunder, she admitted that she had fallen in love with tractor driver and on the fateful night, he might have come along with his friend and probability of commission of offence at their end could not be ruled out. The driver as well as his friend have properly been traced out. Petitioner is the friend of the driver.

It is further evident from para-158 of the case diary that charge-sheet has been submitted against the informant as well as tractor driver and the petitioner. So, virtually, there happens to be neither direct nor indirect evidence against him.

Consequent thereupon, petitioner, **JAI KUMAR** is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Aurangabad**, in connection with **Barun PS Case No. 260/2019**.

(Aditya Kumar Trivedi, J)

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