

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.19392 of 2020

Arising Out of PS. Case No.-307 Year-2019 Thana- SAHPUR District- Patna

1. JAMUN RAI S/o Late Ganesh Rai Resident of Village- Nurpur Chandmari, P.S.- Shahpur, District- Patna.
2. Binay Rai Son of Jamun Rai Resident of Village- Nurpur Chandmari, P.S.- Shahpur, District- Patna.
3. Arvind Rai Son of Jamun Rai Resident of Village- Nurpur Chandmari, P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Adv. Mr. Manoranjan Kumar
For the Opposite Party/s	:	Ms. Nirmala Kumari
For the informant	:	Mr. Dewendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 17-09-2020 Heard learned Senior Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor representing the State, through Video Conferencing.

The petitioners seek regular bail in connection with Sahpur Police Station Case No. 307 of 2019, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the son of the petitioner no. 1, Raju Rai, arrived at the house of the informant and called his



son, Deepak, and Deepak accompanied the son of petitioner no. 1, Raju Rai. It has further been alleged that later, the informant saw the petitioners and co-accused Raju Rai talking with Deepak, while he was going to the market. It has further been alleged that in the evening, when the informant's wife started enquiring about his son, Deepak, as he had not returned back to his home, she saw petitioners, along with other persons, running away after throwing something in the well. The wife of the informant raised alarm upon which nearby people gathered and the dead body of the son of the informant, Deepak, was taken out of the well. Both legs and hands of the deceased were tied with rope and wire.

Learned Senior Counsel for the petitioners submits that neither the informant nor his husband are eye-witnesses to the alleged occurrence. The occurrence has taken place allegedly on 03.08.2019 and First Information Report was lodged on 04.08.2019. In respect of the Deepak's death, two other versions are also there inasmuch as one First Information Report was registered on the basis of the self-statement of the Station House Officer on 04.08.2019 (Annexure 2), wherein it has been alleged that the dead body of the deceased was pulled out of the well at Mushahari and was sent to the Sub Divisional



Hospital, Danapur. It has further been alleged that in the protest against the death of Deepak, 250-300 unknown persons were indulged in arson and violence, for which Shahpur Police Station Case No. 308 of 2019 has been lodged. Another version is at Annexure 3, which is the First Information Report bearing Sahpur Police Station Case No. 309 of 2019 lodged by Bajrang Manjhi, alleging therein that persons of a particular community, 100 in numbers, have committed loot and arson in the Mushahari. The names of petitioner nos. 1 and 2 have been mentioned in Sahpur Police Station Case no. 309 of 2019. He further submits that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court, in Criminal Misc. No. 18132 of 2020.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the informant vehemently oppose the prayer for bail and submits that the petitioners are named in the First Information Report and the informant has seen the petitioners throwing the body of the son of the informant in the well, which was taken out with the help of local people.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact



that similarly situated co-accused person has been granted bail by this Court and the petitioners are in custody since 05.08.2019, I am inclined to grant regular bail to the petitioners.

This application is allowed.

Accordingly, let the petitioners, above named, 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 Additional Chief Judicial Magistrate-I, Danapur, Patna, in connection with Sahpur Police Station Case No. 307 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he/they is/are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

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



lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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