

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16634 of 2020

Arising Out of PS. Case No.-57 Year-2019 Thana- GHORASAHAN District- East
Champaran

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SUSHANT KUMAR SINGH, S/o Late Ram Sudhar Wrongly given address in the First Information Report as resident of village- Bhavdepur goth, P.S.- Riga, Distt.- Sitamarhi, but the correct address is Village- Bharat Pati, P.S.- Hathaudi, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 23-11-2020 Heard Mr. Ajay Kumar Thakur, learned counsel

for the petitioner and Mr. Nirmal Kumar Sinha, learned

APP for the State.

The petitioner seeks bail in connection with

Ghorasahan P. S. Case No. 57 of 2019 dated

21.02.2019, instituted for offences under Sections 302,

120(B) and 34 of the Indian Penal Code.

The petitioner is the son of the deceased

whereas the informant is the brother of the petitioner. It

has been alleged in the F.I.R. that the informant was

told on telephone that his house is locked. On this



information he came to his house and in presence of police force, the doors of the house were broken open. From inside the house, the dead-body of the deceased was recovered. The post-mortem reveals that the deceased was strangled to death.

It has been alleged in the F.I.R. that the petitioner and his wife used to pressurize the deceased, who served as a teacher in middle school, to pay the installment money of the vehicle which the petitioner had purchased. A suspicion therefore was raised that the deceased has been killed at the hands of petitioner and his wife.

The learned counsel for the petitioner has drawn the attention of this Court to the fact that from the bare reading of the F.I.R., it would appear that the deceased lived along with the informant whereas the petitioner stayed away from the ancestral house.

He further submits that this fact gets reflected from the paragraphs in the case-diary in which the place



of occurrence has been described. Some of the neighbours of the deceased have also made statement before the police that when the door was found closed, the first person to be informed was the informant. This, according to the learned counsel for the petitioner, raises a presumption that the deceased was living with the informant and not with the petitioner.

Apart from this, it has been urged that the informant, who is the brother of the petitioner and their sister are opposed to the petitioner because of property dispute between them. This fact finds mention in the supervision note as well but only in the context of the correctness of the accusation with respect to the wife of the petitioner.

By way of supplementary affidavit, it has been brought to the notice of the Court that the son of the petitioner was attacked by acid at the instance of the informant and he had to be admitted to SKMCH, Muzaffarpur on 22.04.2020. The wife of the petitioner



was also assaulted for which Hathauri P. S. Case No. 135 of 2020 has been registered. She also had to undergo treatment.

On these grounds as well as the period of custody of the petitioner which is from 11.11.2019, he seeks bail.

Though suspicion veers around the complicity of the petitioner in the aforesaid case but the circumstances do not appear to be complete at present.

In any view of the matter, regard being had to the fact that there is a dispute between the informant and the petitioner with respect to family property and that the petitioner has remained in custody for about a year, this Court is inclined to grant bail to the petitioner with certain conditions.

While saying so, this Court has also taken note of the fact that the case has now been committed to the Court of Sessions and trial is shortly to commence.

The petitioner, above-named, is directed to be



released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikarahana (Dhaka), East Champaran in connection with Ghorasahan P. S. Case No. 57 of 2019.

It is however directed that the petitioner shall participate in the trial and shall not do anything to impede the progress of trial. The petitioner shall present himself on all dates before the trial court unless he seeks leave of the trial court on reasonable grounds. Should he attempt to tamper with the evidence or delay the progress of trial, the trial court would be at liberty to proceed for cancellation of bail of the petitioner.

The petitioner stands disposed off with aforesaid observation.

(Ashutosh Kumar, J)

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