

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17750 of 2020**

Arising Out of PS. Case No.-1108 Year-2019 Thana- HAJIPUR District- Vaishali

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KUNDAN KUMAR S/o Umesh Sah @ Mahesh Sah Resident of Village-
Jadhua, Brahmsthan, Pokhara, P.S.- Town, Hajipur, Distt- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manohar Prasad Singh,Advocate

For the Informant : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi,APP

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

4 06-07-2020 Heard learned counsel for the petitioner, Mr. Vinod
Shanker Modi, learned APP for the State and Mr. Vinod Kumar,
learned counsel for the informant.

The petitioner in the present case is seeking regular bail in
connection with Hajipur Town P.S. Case No. 1108 of 2019 registered
for the offences punishable under Sections 302, 201/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that it is a case
of false implication of the petitioner as no one has seen the petitioner
assaulting the deceased son of the informant and the entire
prosecution story is based on mere hearsay in so far as it relates to
the petitioner.

Learned counsel submits that the daughter of the co-
accused Meghnath Rai had allegedly eloped with a boy and in course
of search of the said daughter the co-accused Meghnath Ray and



others including this petitioner stopped the son of the informant and took him towards Hajipur on the pretext of search of the daughter of Meghnath Rai but thereafter the son of the informant did not return, later on his dead body was recovered from Hajipur.

It is submitted that the police has seized the motorcycle of the deceased from the House of co-accused Meghnath Rai but nothing incriminating has been recovered from this petitioner. It is also submitted that in course of investigation no independent witness has supported the prosecution story, save and except one Jai Prakash Rai whose name has transpired in the First Information Report as well and in paragraph '18' of the case diary.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner. It is submitted that this petitioner was seen along with co-accused and the FIR named witness whose statement has been recorded in paragraph '18' of the case diary has stated that while he was returning after purchasing some goods from Kirana shop, he had seen the deceased son of the informant in the company of the co-accused Meghnath Rai and this petitioner was also present along with others. Learned counsel submits that this petitioner has also got one criminal antecedent as stated in paragraph '3' of the present application.

Having regard to the facts and circumstances of the case wherein it transpired from the materials available on the record that



in connection with the elopement of the daughter of the co-accused Meghnath Rai the deceased son of the informant was allegedly taken to Hajipur on the pretext of search but thereafter his dead body was recovered at Hajipur and his motorcycle was recovered from the house of Meghnath Rai, so far as this petitioner is concerned though he is named in the First Information Report and was allegedly seen present by one person whose statement has come in the case diary in paragraph '18' but thereafter no independent statement of any witnesses has been recorded in the case diary saying that the petitioner was seen at Hajipur with the deceased and after considering that the co-accused Manju Devi who happened to be the wife of Meghnath Rai and from whose house the motorcycle as well as mobile of the deceased was recovered has been granted privilege of regular bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 8605 of 2020 vide order dated 02.06.2020 on the ground that there is absence of connecting link identifying the petitioner to be an assailant, this Court finds no reason to take a different view from that as the case of the petitioner also is similarly situated with co-accused Manju Devi as regards the absence of connecting link identifying him to be an assailant and that in the case as stated in paragraph '3' he is on bail and there being no submission on behalf of the State that the release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail in connection with Hajipur Town



P.S. Case No. 1108 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Chief Judicial Magistrate, Vaishali at Hajipur, 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, or the 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.

And further condition that the petitioner shall make himself available in course trial on each and every date fixed in the



matter and two consecutive default in putting appearance shall lead to cancellation of bail bond.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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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'.

