

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 20362 of 2020**

Arising Out of PS. Case No.-816 Year-2019 Thana- KAHALGAON District- Bhagalpur

LAKHAN DAS Son of Shankar Das Resident of Village - Vikrampur
Dhanoura, P.S. - Rasalpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr Shailendra Kumar – II, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-06-2020 The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Kahalgaon (Rasalpur) Police Station (for brevity, *PS*) Case No 816 of 2019 dated 29.11.2019 instituted for the offence punishable under Section (s) 302, 201/34 of Indian Penal Code.

As per the prosecution case, the informant has raised a



suspicion that his son has been killed by his wife, brother-in-law and father-in-law. The suspicion is cast on the basis of quarrel between his daughter-in-law and son, one day prior to the occurrence.

The learned counsel for the petitioner submits that other than suspicion, there is nothing on record to connect the petitioner with the allegation. There is no eye witness to the occurrence nor any material has come against the petitioner during the course of investigation.

The learned Court below has referred to three witnesses' statements recorded in paragraphs 19, 20 and 21 of case diary. It is submitted by petitioner's counsel that the said statements have been recorded about 47 days after the alleged occurrence. Silence of the three witnesses for 47 days is highly unacceptable and raises a great suspicion and doubt on the entire prosecution story. Petitioner is stated to be a man of clean antecedent and is in custody since 29.11.2019 and charge sheet has already been submitted in this case.

The learned APP for the State has opposed the prayer for bail. He has submitted that the petitioner is a named accused.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Rasalpur) PS Case No 816 of 2019 subject to the following conditions:-

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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