

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25576 of 2020

Arising Out of PS. Case No.-300 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. SONI KUMARI Wife of Mukesh Kumar Resident of Village - Sherpur Sankar Das, P.S.- Patepur, District - Vaishali
2. Mukesh Kumar Son of Rajeshwar Bhagat Resident of Village - Sherpur Sankar Das, P.S.- Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-11-2020 The learned counsel for the petitioners and Mr. Anil Kumar Singh No. 1, learned A.P.P. for the State were heard at length yesterday and the present case has been listed 'For Orders' today.

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The petitioners seek regular bail in connection with Hajipur Sadar P.S. Case No. 300 of 2020 for the offence punishable under Sections 302, 364, 201, 420, 406 and 120(B) of the Indian Penal Code.



The case of the prosecution in brief is that the co-accused namely Avinash Singh @ Alok Singh @ Langra had taken a sum of Rs. sixty lacs from the father of the informant and other villagers for securing job for them in Railways but had failed to provide them with any job in the Railways and when the father of the informant and other villagers had demanded to refund money, the said Avinash Singh @ Alok Singh @ Langra started making false excuses. It is further alleged that on 16.05.2020 the said co-accused person namely Avinash Singh @ Alok Singh @ Langra had called the father of the informant and one Raj Kumar Singh to the house of one Rajiv Mali and had stated that their money would be given at the said place, whereafter the father of the informant and the said Raj Kumar Singh had gone on a bullet motorcycle to the said place, however, when they did not return back to the house after a long time, the informant suspected foul play and started making phone calls on the mobile phone of his father and the co-accused Raj Kumar Singh but they did not pick up the phone, whereupon the informant and others came to Hajipur and informed the Sadar Police Station. Thereafter, investigation was started by the Police and then they had reached the house of the said co-accused person, namely, Avinash Singh, however, he was



absconding from his house, whereafter the Police personnel and the informant as well as other persons had gone to the house of Rajiv Mali but he too was found absconding, however, blood stains were found on two motorcycles and other articles kept at the door of the house of the said Rajiv Mali. It is further alleged that on the next day morning at about 6:30 A.M., alarm was raised that a dead body was lying on the Railway track, whereafter the co-villagers and the informant had gone there and had found the body of Raj Kumar Singh lying on the Railway track, however, the body of the father of the informant was missing. Upon enquiry, it transpired that the petitioners and other accused persons had conspired together to grab the money and had murdered the said Raj Kumar Singh as also had kidnapped the father of the informant, whereafter they had murdered him as well and his dead body had been disposed off.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, they are having a clean antecedent and are languishing in custody since 17.05.2020. It is further submitted that co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 10.11.2020



passed in Criminal Misc. No. 29710 of 2020. It is further submitted that the petitioners have been falsely implicated in the present case merely on suspicion inasmuch as the petitioner no. 1 is the sister of the main accused person namely Rajiv Mali and the petitioner no. 2 is the husband of the petitioner no. 1. It is also submitted that no material has been collected during the course of investigation so as to connect the petitioners with the alleged crime.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having considered the submissions of the learned counsel for the parties as also taking into account the materials available on record and in the case diary in question, this Court finds that the petitioners herein have been roped in the present case merely because they are the relatives of the main accused Rajiv Mali, however, minuscule evidence is available as far as the petitioners are concerned to prima facie constitute a case for the offences alleged as against them as far as consideration of the present bail petition is concerned and moreover their case is more or less similar to the co-accused person who has already been granted bail by a coordinate Bench of this Court vide order dated 10.11.2020 passed in Criminal Misc. No. 29710 of 2020



and lastly the main accused in the present case appears to be Rajiv Mali and Avinash Singh and others, hence I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali in connection with Hajipur Sadar P.S. Case No. 300 of 2020.

(Mohit Kumar Shah, J)

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