

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31822 of 2020

Arising Out of PS. Case No.-83 Year-2019 Thana- CHANDI District- Nalanda

=====

Guddu Kumar, Male, aged about 25 years, son of Dayanand Singh, Resident of Village- Mosimpur, Police Station- Khusrupur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Anil Kumar Singh, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned In-charge Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State as Mr. Ashok Kumar Singh, learned APP, could not join the proceeding and had asked that the Court may take assistance from Mr. Jharkhandi Upadhyay, learned In-charge APP.

3. The petitioner is in custody in connection with Chandi PS Case No.83 of 2019 dated 09.03.2019, instituted under Sections 302 and 201 of the Indian Penal Code.



4. Though the petitioner is not named in the FIR, a body was discovered by the informant being the *Chaukidaar* when he had gone to attend the call of nature and found some persons standing and when he reached near, he found the deceased lying dead. The informant further states that from looking at the body, it appeared that he had been killed at some other place and the dead body had been thrown there and thereafter the police had published photograph of the deceased in the newspaper on which the body of the deceased was identified by his son and other relatives on 23.03.2019, though the body was discovered on 09.03.2019.

5. Learned counsel for the petitioner submitted that he is neither named nor has any connection with the deceased, who was identified as Lakhandeo Singh and witness, Shiv Shankar Singh, had stated that the deceased was working in the vegetable market with co-accused, Anil Kumar, who had induced the deceased and had taken his money and with a view not to return it had killed him. It was submitted that in the CDR obtained by the police, it has come that the petitioner had called co-accused, Anil Kumar, on that day, and their tower location was also near the place of occurrence. Learned counsel submitted that the petitioner had gone to Hilsa Bazar, by the side



of which the body was recovered though falling under Chandi PS, on that day, in connection with the marriage of the sister of his wife and because co-accused, Anil Kumar, was his co-villager, he had called him. It was submitted that the petitioner has neither any connection with the deceased nor co-accused, Anil Kumar, who is said to have been working at the same vegetable market. Learned counsel submitted that the petitioner is aged about 25 years and in the year 2009 was accused in a case relating of theft of railway property being a juvenile in which he is on bail. Learned counsel submitted that even co-accused, Anil Kumar, has not taken the name of the petitioner with regard to him being involved in any way in the crime. Learned counsel submitted that only on the basis of the CDR details, as has been recorded by the Court below, in the order dated 19.08.2020 of the 1st Additional Sessions Judge, Hilsa (Nalanda), in Bail Petition No.195 of 2020, where paragraph no.71 of the case diary has been noticed. Learned counsel submitted that besides the above, no other witness has taken the name of the petitioner connecting him to the crime nor any evidence has come. It was submitted that co-accused, Anil Kumar, with whom the deceased had connection and, thus, can be said to be the prime suspect, has been granted bail by a co-



ordinate Bench on 22.07.2019 in Cr. Misc. No. 44319 of 2019. It was submitted that co-accused, Anil Kumar, was in custody since 23.03.2019 and after less than four months, he was granted bail, whereas, the petitioner is in custody since 13.03.2020 i.e., for more than nine months.

6. Learned APP submitted that the petitioner was found talking near the place of occurrence with the other co-accused. However, he did not controvert that the other co-accused, Anil Kumar, was working at the same place and witness has stated that he had induced the deceased to give him money and because he did not want to return the same, he was killed, but has not taken the name of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Hilsa, Nalanda, in Chandi PS Case No.83 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall cooperate in the case with the Court and the prosecution/police. Failure to do so shall lead to cancellation of his bail bonds.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

