

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60474 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- MAHARAJGANJ District- Siwan

Pankaj Kumar, Son of Late Awadhesh Kumar Chaudhary Resident of Village
- Sakari Bazar, P.S.- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 01-06-2020 The matter has been taken up through virtual court proceeding.

Heard Mr. Dewendra Nr. Singh, learned counsel for the petitioner and Mr. Nirmal Kumar Sinha, learned counsel for the State.

The petitioner, being the son of the deceased, who is languishing in custody since 10.05.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 302 and 201 and 120B/34 of the IPC.

The prosecution case, as per the fardbeyan of Jagarnath Chaudhary, recorded by Arun Kumar Singh, S.I., Maharajganj Police Station on 08.05.2019 at 8.50 A.M., is to the effect that on the same day at 7.30 A.M., the informant came to



know that his elder son, Awadhesh Kumar Chaudhary, being the A.S.I. of Police has been killed and his dead body has been thrown in the agricultural field. Subsequently, the informant reached on the spot and found the dead body of his son, whose hands and legs were tied with plastic rope. The informant's son was posted at Buxar and he came to his house on 07.05.2019 for election duty. Next day in the morning at 7 A.M., the other son of the informant Amit Kumar Chaudhary received an information that his brother is lying dead in the agricultural field then the informant went to the house of the deceased and enquired from his wife and children, who conveyed that since last night, he is missing, leading to registration of FIR against the entire family members of the deceased. During course of investigation, the petitioner made confession that he and his family members assaulted victim because he performed second marriage and used to assault his mother and sister repeatedly.

It is submitted by learned counsel for the petitioner that only on the basis of the suspicion, the accusation has been levelled against the petitioner, his mother and sister. It is further submitted that with similar accusation, mother and sister of the petitioner have been granted bail by a co-ordinate bench of this Court vide order dated 03.02.2020 passed in Cr. Misc. No.



52560 of 2019. The petitioner is languishing in custody since 10.05.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State submits that the entire family members including the petitioner have killed the son of the informant and certain incriminating articles like a mobile, shoes, cloths with blood stain, Khanti, knife, iron rod and bamboo has been recovered from the car parked outside the house, and from the inside the house of the petitioner.

Considering the fact that there is nothing on record to suggest that there is any eye-witness to the occurrence, the accusation is based on circumstantial evidence and similarly situated co-accused persons have already been granted bail, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Siwan in connection with Maharajganj P.S. Case No. 129 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy



of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Siwan in connection with Maharajganj P.S. Case No. 129 of 2019.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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