

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63943 of 2019

Arising Out of PS. Case No.-4 Year-2008 Thana- TANDWA District- Aurangabad

SARJUG SAO @ SARJU SAO S/O Late Kesho Sao Resident of Village-
Mohari Itavan, P.S.- Tandwa, District- Aruagabad.(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
CIS No. 507/2019 arising out of Tandwa P.S. Case No. 04 of
2008 for the offence punishable under Sections 302, 120(B), 34
of the Indian Penal Code.

The allegation levelled by the prosecution is that the
dead body of one Lalan Prasad Singh was found in small
drawing room and there was black mark on his neck. It is
further alleged that upon enquiry, the informant came to know
that the accused persons had killed the deceased and thereafter
they hanged the dead body by means of a rope.

The learned Senior counsel appearing for the
petitioner has submitted that the petitioner has been falsely



implicated in the present case on account of political rivalry. The learned Senior counsel for the petitioner has further referred to the order dated 09.09.2019 passed by a learned co-ordinate Bench of this Court in Cr. Misc. No. 54161 of 2019 in which similarly situated co-accused person has already been granted bail and has further submitted that the said order would bear it out that the mother of the deceased was examined under Section 164 of Cr. P.C. wherein she has stated that when the deceased did not respond from inside the room, the door of the room was broken with the help of the other people and then it was found that the deceased was hanging from the ceiling by means of a rope. In the said order dated 09.09.2019, it has also been stated that after lapse of a period of two months two more witnesses were examined under Section 164 Cr. P.C., who were stated to be chance witnesses. It is further submitted that there is contradiction between the statement of mother of the deceased victim and the statement of said two chance witnesses examined under Section 164 Cr. P.C., hence, complicity of the petitioner in the alleged occurrence is doubtful. Lastly, it is submitted that the postmortem report also supports the statement of the mother of the deceased victim under Section 164 Cr. P.C. wherein cause of death as per the doctor was found “by hanging”, hence, it is



submitted that no offence under Section 302 of the Indian Penal Code is made out. It is also submitted that the petitioner is having a clean antecedent and is languishing in custody since 05.07.2019.

Having regard to the facts and circumstances of the case and considering parity of the case of the petitioner with that of the co-accused person, namely, Dudheshwar Singh, who has already been granted bail by a co-ordinate Bench of this Court, as aforesaid, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Aurangabad in connection with CIS No. 507/ 2019 arising out of Tandwa P.S. Case No. 04 of 2008.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

