

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79295 of 2019

Arising Out of PS. Case No.-315 Year-2019 Thana- BHORE District- Gopalganj

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Neeraj Gond, male, aged about 21 years, Son of Shivjee Gond, Resident of
Village - Koreya, P.S. - Bhorey, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Adv.
For the Informant	:	Mr. Nagendra Rai, Adv.
For the State	:	Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner, the

informant and the State.

The petitioner, who is in custody since
28.09.2019, seeks bail in connection with Bhorey P.S.
Case No. 315 of 2019, dated 27.09.2019, instituted for
the offences under Sections 302/34 of the Indian Penal
Code.

The mother of the deceased has lodged a case



that after dinner, the deceased went to his hut to sleep. Later, in the morning, she found the dead-body of her son in a pool of blood. It appeared to her that somebody had killed her son in the night. She has expressed suspicion on three of the friends of the deceased, including the petitioner who were present with the deceased in the night.

Learned counsel for the petitioner submits that apart from such unfounded suspicion, there is no other material to connect the petitioner with the offence. He further submits that there is no motive for committing the murder of the deceased and admittedly the petitioner and two others who have been made accused along with him are the friends of the deceased. There has not been any reported incident of fallout between the friends. Merely because the petitioner and two others were present with the deceased in the fateful night, it would not warrant any further incarceration of the petitioner.

As opposed to the aforesaid contention, Mr. Nagendra Rai, learned Advocate for the informant submits



that during the course of investigation, one of the brothers of the deceased and a local villager have stated before the police that the deceased was in the company of the petitioner and two others and was seen going out of the hut and, thereafter, coming back in some time.

Apart from this, there is no other material but the learned counsel for the informant submits that this is a case of last seen and there is no reason for disbelieving the brother of the deceased or for that matter, the villager who have no animus against the petitioner or two of the other friends of the deceased.

Even if the statement of the brother of the deceased and the co-villager is taken to be *ex-facie* true, the evidence against the petitioner would only be that of last seen with the deceased. However, that cannot be the reason for any further incarceration of the petitioner.

The petitioner does not have criminal antecedents.

Considering the aforestated facts and the clean antecedents of the petitioner, he is directed to be released



on bail on his furnishing bail bonds in the sum of Rs.
10,000/- (Rupees Ten Thousand) with two sureties of the
like amount each to the satisfaction of learned Chief
Judicial Magistrate, Gopalganj in connection with Bhorey
P.S. Case No. 315 of 2019.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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