

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1487 of 2020

Arising Out of PS. Case No.-328 Year-2015 Thana- TURKAULIYA District- East
Champaran

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RAJESH SINGH Son of Dinanath Singh Resident of Village - Sapahi, P.S.-
Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 23-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offence punishable
under Sections 302/34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Dodha
Mahto submitted before the S.H.O., Turkaulia Police Station is
to the effect that on 27.04.2015, the son of the informant
Hiraman Mahto went to his in-law's house situated in the village
Sapahidera. On 28.04.2015, in the morning, someone informed
the informant that his son has been killed by the in-law's family



members. After having received such information, the informant went to the in-law's house of his son, but he did not find anyone, but behind the house, in the bamboo clump, the dead body of the informant's son was found with injuries on different parts of the body. It is alleged that all the accused persons, including the petitioner, after making assault, throttled the son of the informant to death.

It is submitted by learned counsel for the petitioner that the informant is not an eye witness to the alleged occurrence. In fact, only on the basis of suspicion, the petitioner and in-law's family members have been made accused. The petitioner is simply a neighbour to the in-law's family of the informant's son. During investigation, it only transpired that the dead body of the victim was found hanged with a tree in a bamboo clump and the petitioner is alleged to have placed the same by tearing a sari and to conceal the dead body. Hence, even assuming the accusation to be true against the petitioner, the only offence of concealment of the evidence is made out against the petitioner. It is further submitted that moreover, the other in-law's family members of the victim have been charge-sheeted and subsequently, they have already been convicted. The investigation against the petitioner and co-accused, Kalawati



Devi has been still pending and co-accused, Kalawati Devi has already been granted bail by a Co-ordinate bench of this Court vide order dated 07-01-2020, passed in Criminal Miscellaneous No. 83891 of 2019. The petitioner is languishing in custody since 20.09.2019 and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the fact that the investigation has already been concluded and co-accused has been granted bail coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 CJM, Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 328 of 2015 (G. R. Case No. 1930 of 2015).

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 the learned CJM, Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 328 of 2015 (G. R. Case No. 1930 of 2015).

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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