

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83358 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- MANIYARI District- Muzaffarpur

=====

PANKAJ KUMAR SINGH Son of Satyendra Singh @ Satyendra Kishor Singh Resident Village - Dharhara (Sarai), P.S.- Sarai, District- Vaishali, Presently East of Zenith Petrol Pump, Aghoriya Bazar, Muzaffarpur, P.S.- Kazi Mohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
: Mr.Sanjay Singh
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 24-09-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Maniyari P.S. Case No. 45 of 2019 for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

The informant has alleged in the F.I.R. that her son was killed by (i) younger brother of her husband viz. Suvendu Thakur (ii) the wife of the said younger brother of the informant's husband viz. Archana Devi and (iii) the petitioner, who is brother of the co-accused Archana Devi. Date of the occurrence has been described as 28.02.2019. Allegedly, the deceased was killed by strangulation. It is also alleged in the



F.I.R. that in 2008, the husband of the deceased was killed by co-accused Suvendu Thakur.

Learned counsel appearing on behalf of the petitioner has submitted that there is no apparent basis disclosed in the F.I.R. for implicating this petitioner and apparently the accusation is based on mere suspicion, which too is not reasonable. He has submitted that even during the course of investigation no material worth evidence has surfaced to justify petitioner's implication.

On perusal of the F.I.R. and the Case Diary, it is noticed that the dead body of the deceased was found in a room. There does not appear to be any direct evidence showing involvement of this petitioner in commission of the offence. Other two accused persons have been allowed regular bail by this Court. It is further evident that the implication is on the basis of circumstantial evidence, which too appear *prima facie* to be not direct and do not complete chain of circumstances pointing towards petitioner's culpability only.

In the above noted circumstance, though offence alleged is punishable under Section 302 of the Indian Penal Code, in my opinion, a case for grant of anticipatory bail is made out.



This application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sri. Nayan Kumar, learned Judicial Magistrate 1st Class, Muzaffarpur in Maniyari P.S. Case No. 45 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

AKASH/-

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

