

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85678 of 2019

Arising Out of PS. Case No.-221 Year-2019 Thana- GHOSI District- Jehanabad

=====

Jitendra Kumar aged about 35 years (M) Son of Late Girjanandan Singh Yadav @ Girjanand Singh Yadav, Resident of Village - Dhandhara, P.S.- Ghosi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-03-2020 Heard Mr. Umesh Kumar, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Ghosi P.S. Case No. 221 of 2019, registered for the offence punishable under Sections 302/34 of the Indian Penal Code, 1860.

The allegation against the petitioner as per the First Information Report is that the son of the informant had gone to attend the call of nature and his dead body was found in front of the house of the petitioner having sharp cut injury near his neck. The informant has alleged that petitioner along with two other accused persons have committed the murder of the son of the informant.

Mr. Umesh Kumar, learned counsel appearing for the



petitioner submits that petitioner has falsely been implicated in this case as an after thought inasmuch as the dead body of the son of the informant was found in front of the house of the petitioner at about 6.00 A.M. and an inquest report was prepared by the Police in front of the uncles of the victim namely, Rajendra Yadav and Krishna Yadav, but no F.I.R. was registered at that point of time i.e. about 6.00 A.M. in the morning, however the *fardbyan* of the informant has been recorded by the Police at about 9.30 A.M. in her village and as an after thought the petitioner has falsely been implicated in this case and no motive has been assigned against the petitioner by the informant and others. Learned counsel further submits that no incriminating material has come against the petitioner during the course of investigation and he has been made accused on the basis of suspicion only. Learned counsel further submits that even circumstantial evidence is not there against the petitioner. Learned counsel further submits that similarly situated co-accused Rakesh Kumar Ranjan @ Tultul Yadav @ Rakesh Yadav has been granted anticipatory bail by this Court in Cr. Misc. No. 67286 of 2019 vide order dated 06.03.2020.

On the other hand, learned counsel appearing for the State opposes the prayer for regular bail and submits that in the



case diary it has come to light that the petitioner was arrested by the Police while he was fleeing away on the date of occurrence at about 3.30 P.M.

Having heard learned counsel for the parties and taking into consideration the fact that in the case diary *prima facie* no incriminating material has come against the petitioner and similarly situated co-accused person has been granted anticipatory bail, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-cum-Sub Judge – I, Jehanabad in connection with Ghosi P.S. Case No. 221 of 2019 with condition that petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court below and his absence on two consecutive dates without any proper and just explanation will be sufficient to cancel his bail bond.

(Anil Kumar Sinha, J)

praful/-

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

