

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2437 of 2020**

Arising Out of PS. Case No.-104 Year-2017 Thana- GANDHIMAIDAN District- Patna

BHOLA @ APPU @ AMAR KUMAR Son of Late Krishna Sao Resident of  
Mohalla - Raja Bazar, P.S.- Jehanabad, Distt - Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                            |                                    |
|----------------------------|------------------------------------|
| For the Petitioner/s :     | Mr.Raj Krishan Jha, Advocate       |
| For the Opposite Party/s : | Mr.Nityanand, APP                  |
| For the informant :        | Mr. Surendra Kumar Singh, Advocate |
|                            | Ms. Priyadarshini Sinha, Advocate  |
|                            | Mr. Tulika Singh, Advocte          |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      20-03-2020                      Heard learned counsel for the petitioner, learned  
counsel for the informant as also learned APP for the State.

The petitioner in the present case is seeking regular  
bail in connection with Gandhi Maidan P.S. Case No. 104 of  
2017 registered for the offence punishable under Sections 302,  
120 (B), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that this  
petitioner is not named in the first information report. In the first  
information report the specific allegations are there against the  
co-accused Mangal Sao and Shankar Sao. It is submitted that  
the sister of the informant was married to the accused Mangal  
Sao and after her death a case under Section 304B of the IPC  
was lodged against the said Mangal Sao and others, this  
petitioner is not an accused in the said case. In connection with



the said case Mangal Sao has also been taken into custody and was later on released on bail. Allegation in the present FIR is that the father of the informant was making pairvy of the said case at Nawada court and in course of doing pairvy whenever he was visiting the court, said Mangal sao and Shankar Sao were putting pressure on him to withdraw the case.

The submission of learned counsel for the petitioner is that this petitioner is the brother-in-law (sister's husband) of said Mangal Sao, although in the FIR he is not named but later on in course of investigation the petitioner has also been involved in this case only because he happens to be the near relations of the co-accused.

Learned counsel submits that save and except mere suspicion that this petitioner is also involved in killing of the father of the informant, there is no material against him to connect him with the present case.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for regular bail of the petitioner. It has been submitted before this Court that this petitioner being the brother-in-law of the co-accused Mangal Sao had been trying to persuade the family members of the deceased to withdraw the case and this fact has been revealed in



course of investigation of this case and thereafter, the petitioner has been brought in the purview of the investigation and when the petitioner did not surrender, the Police had to take coercive measures for his arrest and attachment and thereafter, the petitioner was taken into custody.

Learned counsel submits that the father of the informant was a witness in the case under Section 304B of the Indian Penal Code and he has been killed. It is submitted that the regular bail of Mangal Sao and Shankar Sao against whom allegations have been made in the FIR of the present case has been rejected by a learned co-ordinate Bench of this Court.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is not named in the FIR and while lodging the first information report the informant has made specific allegation taking name of Shankar Sao and Mangal Sao only but later on the petitioner has been implicated in this case being a near relation of the co-accused Mangal Sao but at this stage there is no material to connect the petitioner save and except to say that he was also involved in the alleged occurrence and on finding that the two persons who have been specifically named in the FIR, they are already in custody, the submission being



that of involvement of the petitioner is mere on suspicion, let the petitioner above-named be released on bail on furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XVII, Patna, in connection with Gandhi Maidan P.S. Case No. 104 of 2017, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

**(Rajeev Ranjan Prasad, J)**

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