

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7048 of 2021**

Arising Out of PS. Case No.-659 Year-2019 Thana- HAJIPUR District- Vaishali

SARVJIT KUMAR S/O Late Ramanand Singh R/O Village - Hathsaraganj
Ward No. 1, P.S. Hajipur Town, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Kanhaiya Pd. Singh, Sr. Advocate Mr. Gajendra Kumar Singh, Advocate
For the Informant	:	Mr. Ranjit Kumar Singh, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP

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

5 12-08-2021 Heard learned Senior Counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Hajipur Town P.S. Case No. 659/2019 registered for the offence under Section 302 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 21.08.2020.

As per the prosecution story, this petitioner was seen fleeing away from the room of the deceased during the night of 21-22/07/2019 and when the informant and other family members reached there on the cry of the deceased's wife, they found that the deceased had suffered fire-arm injuries on his neck. It is alleged that this petitioner was wearing a T-Shirt, was though caught but somehow was able to flee away. In the F.I.R., it is also alleged that there may be hand of a family member of the informant in the

killing of his brother.

Learned Senior Counsel for the petitioner submits that the petitioner and the deceased were friend. Admittedly the deceased was sleeping with his wife in his room, so it is not possible to believe that petitioner would enter into the room on the first floor when the door would have been closed.

Learned Senior Counsel further submits that in the circumstances which have been revealed in the case diary it may be said that the wife of the deceased had killed her husband and falsely implicated this petitioner.

It is further submitted that so far as recovery of Debit Card and Aadhar Card of the petitioner from the room of the deceased is concerned, in fact the petitioner had given the Debit Card and Aadhar Card to the deceased to purchase railway tickets for going to Firozpur where he is a student of B.Tech (Engineering). The petitioner had not collected those cards from the deceased and in the meantime the occurrence took place. The submission is that in these circumstances since the petitioner is in custody since 21.08.2020 he deserves privilege of bail.

On the other hand, learned counsel for the informant and learned A.P.P. for the State have opposed the prayer for regular bail of the petitioner. On going through the case diary, learned A.P.P. informs this Court that the investigation has revealed that

the wife of the deceased was running a beauty parlor in her house itself and this petitioner was engaged in teaching the children of the deceased. The investigation says that the wife of the deceased and the petitioner had developed some illicit relationship and the wife of the deceased and petitioner were talking to each other over mobile and sometime she was also going to meet the petitioner secretly.

Learned A.P.P. informs this Court that a perusal of the seizure list in this case would show that plannings were made to kill the deceased. Police has seized a country made Katta in which one fired cartridge was found in the barrel, one iron Dab, one folding knife, one iron knife, the Debit Card of the petitioner, Aadhar Card of the petitioner, a love letter and one syringe with niddle and one medicine of 10 ml. were recovered from the room of the deceased. It is his submission that petitioner admits that his Debit Card and Aadhar Card were recovered from the room of the deceased.

Learned A.P.P. further submits that petitioner claims that he was friend of the deceased but this seems to be highly improbable because the deceased was a 38 years old person living a married life with two children whereas this petitioner claims himself to be a student aged about 21 years. The facts and circumstances of the case and the seizure made from the room of the deceased are indicating much about the relationship between

the petitioner and the wife of the deceased and further the statement of the witnesses saying that they had seen the petitioner fleeing away after the alleged occurrence are strong materials in this case to show complicity of the petitioner.

Having regard to the facts and circumstances of the case in which the brother of the informant has been murdered inside his own bedroom, the materials disclosing that what were apprehended in the F.I.R. saying that hand of a family member may be there is getting support from the materials suggesting a relationship between the deceased's wife and the petitioner and then recovery of arms with several other weapons like knife etc. and recovery of Debit Card and Aadhar Card of the petitioner admittedly from the room of the deceased are some materials which are such that this Court is not persuaded to enlarge the petitioner on bail.

The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.