

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25398 of 2021

Arising Out of PS. Case No.-468 Year-2019 Thana- BEUR District- Patna

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Suraj Kumar S/o- Kallu Sharma Resident of Chiraiyantar Prithavipur, P.S.-
Jakkanpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das
For the Opposite Party/s : Mr. Upendra Kumar
For the informant : Mr. Gajendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 15-12-2021 The applicant/accused in Crime No. 468 of 2019

registered with Beur Police Station for the offences

punishable under sections 302/201 of the Indian Penal Code,

by this application is seeking his release on bail during

pendency of the trial.

Heard the learned counsel for the applicant. He

submits that except a short telephonic talk of the applicant

with the deceased, there is no other evidence to connect the

applicant with crime in question, as against this, the learned

counsel for the first informant submits that there was

transaction in respect of lending money between the

deceased and the applicant and this the cause of commission



of murder.

The learned prosecutor submits that the case diary is with the informant.

I have considered the submission so advance and also perused the case diary. The report of the crime in question was lodged by Arun Kumar on 5.12.2019 who happens to be the father of the deceased. He reported that his son Ashish Singh left the house 5:30 P.M. on 4.12.2019 and ultimately, his dead body was found on 5.12.2019.

The first informant reported that from Chhotu Kumar he came to know that the deceased Ashish Kumar had talked with the applicant at about 20.50 hours on 4.12.2019.

The entire case is based on circumstantial evidence. So far as the applicant is concerned, he had talked with the deceased for 55 seconds at 20.50 hours on 4.12.2019 telephonically. Statement of Chhotu Kumar shows that Chhotu Kumar was also aggrieved by the acts of Ashish Kumar in not paying the half interest of the amount to him. The statement of Chhotu Kumar shows that the deceased Ashish Kumar was lending money to several persons and there used to be dispute on account of that



money between Ashish Kumar and several other persons. Except this, no other material is pointed out to infer the complicity of the applicant in this case based on the circumstantial evidence.

Co-accused Chhotu Kumar Patel is already directed to be released on bail by the coordinate bench of this Court on 6.10.2021.

As the investigation of the crime in question is over, looking to the fact that co-accused is released on bail so also the evidence against the applicant, his further pre-trial detention is not warranted, therefore, the order.

The application is allowed.

The applicant/accused in Crime No. 468 of 2019 registered with Beur Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) on furnishing sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.



(II) The applicant/accused should not repeat the trial in expeditious disposal of the trial against him.

(III) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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