

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27699 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- ALOULI District- Khagaria

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DILEEP KUMAR @ DILEEP YADAV Resident of Village- Sataghatta, P.S.-
Alauli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajit Kumar

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-11-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out
of Alauli P.S. Case No.246 of 2020, registered for the offences
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The learned counsel for the petitioner submits that on
bare perusal of the allegation as alleged in the FIR, it would
manifest that the informant (Kanchan Kumar) alleges that on
20.08.2020 after having his food, he was sleeping in his house.
At about 11.30 P.M., he heard his mother Umda Devi shouting
on which he came out of the room and did not see anyone and
thereafter went where his mother was sleeping and he saw that
blood was oozing up from her chest, as such, it is alleged that

his mother was murdered by fire arms by unknown persons.

The learned counsel for the petitioner submits that the petitioner is own brother-in-law of the informant. He further submits that had the brother-in-law committed the murder or would have caused the murder to be committed then definitely the informant would have raised suspicion in the FIR. The fact that FIR was instituted against unknown and there was absolutely nothing in the FIR to even remotely suggest the role of this petitioner amply demonstrate that he has been falsely implicated since he was not on good terms with his wife, who was staying her mother's place.

The learned counsel for the informant submits that it is not in dispute that the petitioner is own brother-in-law of the informant but since there was differences between the petitioner and his wife who is daughter of the deceased as this petitioner used to torture her and demanded dowry, as a result of which she had come to her mother's place. Learned counsel for the informant submits that the petitioner was harboring grudge and as such he wanted to kill his wife but by mistake it was the mother who got killed.

The learned APP submits that during the course of investigation, it has come that this petitioner had given contract

to one, Shagun Yadav, to kill his wife who was staying with his mother and Shagun Yadav after receiving Rs.10,000/- by way of advance became ready to commit the occurrence for Rs.25,000/-. Further, that in the night, Shagun Yadav, went near the house along with deceased from where the petitioner went to nearby school and Shagun Yadav entered the house and fired at the deceased. The learned APP further submits that the confessional statement of the petitioner and accused Shagun Yadav have been recorded by the police in which they have confessed the crime.

The learned counsel for the petitioner at this stage submits that the petitioner being the own brother-in-law of the informant have been implicated merely he was not having good relation with his wife and since the FIR was instituted against unknown, the informant by way of afterthought implicated the petitioner in her re-statement recorded by the police on 21.08.2020. The learned counsel submits that the FIR was also instituted on 21.08.2020 and thereafter on that day itself, restatement was recorded and if the informant had any inkling that this petitioner was involved in any manner then his name ought to have transpired in the FIR itself, further it does not stand to reason that on the same day, the informant came to

know that it was the petitioner who was involved in the crime.

Considering the fact that the petitioner is in custody since 05.12.2020 and charge-sheet has been submitted against the petitioner and he is not named in the FIR and is own son-in-law of the victim, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Khagaria, in connection with Alauli P.S. Case No.246 of 2020.

(Satyavrat Verma, J)

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