

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28586 of 2021

Arising Out of PS. Case No.-355 Year-2020 Thana- TAJPUR District- Samastipur

Raushan Kumar, S/O Niranjan Kumar R/O Village-Parsa, P.S.-PARSA Bazar,
District-Patna (BIHAR).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-12-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Tajpur P.
S. Case No.355 of 2020, instituted for the offences under
Sections 302 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 15.11.2020, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that from perusal of the allegation as alleged in the F.I.R., it
would manifest that the informant alleges that on 09.09.2020,
his brother (deceased) had gone to his matrimonial home
(sasural) and while going to matrimonial home, the brother of



the informant had informed him that his brother-in-law would be returning Rs. One Lakh, which he had taken as loan for the marriage of his younger sister and would also bring his wife back.

It is next alleged that the father-in-law, mother-in-law and the brother-in-law of the deceased had taken his wife to Delhi and whenever the deceased used to call her, the mother-in-law did not allow him to talk, as such, the deceased was suffering from mental stress. It is further alleged that the wife of the deceased during lock-down had come to her parents' place and called the deceased through her brother and thereafter, it is alleged that the informant came to know that his brother has been killed and accordingly, F.I.R. came to be instituted against seven named accused persons.

The learned counsel for the petitioner submits that admittedly, the informant is not an eye witness to the occurrence. As far as this petitioner is concerned, during investigation, it has come that petitioner was a friend of the deceased and was having relation with wife of the deceased which gets corroborated by the call made by the wife of the deceased to petitioner and that is why, the wife of the deceased started staying in Patna where petitioner lived. It has also come



that on the date of occurrence, petitioner was at Samastipur where occurrence had taken place.

The learned counsel for the petitioner further submits that the petitioner and the deceased were friends and since his wife was living separately at Delhi, as such, being friend, he wanted the two to unite. Hence, he used to talk to the wife of the deceased and with the deceased also and merely based on the call, his name has surfaced based on suspicion.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 15.11.2020, he is a person with clean antecedent and charge-sheet has been submitted in this case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Samastipur in connection with Tajpur P. S. Case No.355 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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