

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36011 of 2020**

Arising Out of PS. Case No.-93 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

RAM PRAVESH CHOUBEY SON OF JOKHAN CHOUBEY RESIDENT
OF VILLAGE - SOTAWA, P.S. - KUDHANI, DISTRICT - KAIMUR AT
BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Dr.Ajeet Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 05-03-2021 Heard the learned counsel for the petitioner and

Dr. Ajeet Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection
with Mohania PS case no. 93 of 2020 instituted for the offences
punishable under Sections 302, 201/34 of Indian Penal Code.

The informant has alleged that his son, Bijendra
Kumar left his house on 27.03.2020 at 4 pm, whereafter he
became traceless. The informant is stated to have searched his
son during the entire night, however, on the next day at about 11
am, the informant was informed by police that the dead body of
his son has been found, whereupon the dead body was taken to
Sadar Hospital for post mortem.

The learned counsel for the petitioner submits



that the informant has lodged the case against unknown and that too on the next day of recovery of the dead body. It is submitted that subsequently, the informant and his wife, in their subsequent statements, made before the police, have suspected the hands of the petitioner and other accused persons and have stated that they might have killed their son and concealed his dead body in a dilapidated house. It is further submitted that in paragraph no. 46 of the case diary confessional statement of Harishanker Nishad @ Chintu Choudhary has been recorded. Similarly, in paragraph 66 of the case diary two line confessional statement of the petitioner has been recorded. Paragraph 84 of the case diary shows the supervision note. Save and except confessional statement of co-accused, including the petitioner, before the police there is absolutely no material to show the involvement of the petitioner in the killing of son of the informant. It is further submitted that the petitioner is in custody since 25.05.2020. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 20.10.2020 passed in Cr. Misc. no. 25097 of 2020, order dated 23.11.2020 passed in Cr. Misc. no. 25041 of 2020 and the order dated 21.12.2020 passed in Cr. Misc. no. 25021 of 2020.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that it has transpired during the course of investigation that all the accused persons including the deceased were engaged in illicit trafficking of liquor and on account of certain disputes, quarrel had taken place leading to the accused persons having assaulted the deceased resulting in his death, however the learned APP for the State has not disputed that the name of the petitioner has transpired merely on suspicion and there is no eye-witness to the alleged occurrence.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, apart from considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by the co-ordinate Benches of this Court, I deem it fit and proper to enlarge the abovenamed petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania PS case no. 93 of 2020.



This Court further directs that the petitioner herein shall appear before the Officer-in-charge of the concerned police station on each and every Monday of the week at 10.00 AM and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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