

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35845 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- SHERGHATI District- Gaya

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GUDDU KUMAR SON OF LATTU YADAV RESIDENT OF VILLAGE -
LALMATI, PS - BARACHATTI, DISTRICT - GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar
For the Opposite Party/s	:	Mr. Ajit Kumar
For the Informant	:	Mr. Kunwar Narayan Jamuar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-03-2021 The matter was heard at length yesterday and today,

this case has been listed “For Orders”.

The petitioner seeks regular bail in connection with Sherghati (Dobhi) PS case no. 63 of 2020 instituted for the offences punishable under Section 302/34 of Indian Penal Code.

The case of the prosecution in brief is that on 08.02.2020 at about 7 pm, the petitioner had taken away the husband of the informant, however when he did not return till 9 pm, the informant had called her husband on his mobile but the same was found to be switched off. It is further alleged that the body of the husband of the informant was found lying in the water of the Niranjana river on the very next day.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 11.02.2020. The learned counsel for the petitioner has further submitted that neither any motive has been assigned to the alleged crime, as far as the petitioner is concerned nor there is any previous enmity amongst the parties and the post mortem report would show that the injuries found on the body of the deceased were not so grievous so as to cause the death of the deceased.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that on the fateful night of the occurrence, the deceased was admittedly taken away by the petitioner and thereafter, his dead body was found lying in the river. The learned APP for the State has also referred to the statement of the independent witness namely Pramila Devi, recorded under Section 161 of the Code of Criminal Procedure by the Police to submit that the deceased along with the petitioner had also visited her *Tadi* shop and consumed *tadi*. It is also submitted that four injuries have been found on the body of the deceased which also indicate that the deceased has been brutally murdered.

Having heard the learned counsel for the parties and



having gone through the materials on record as also those available in the case diary, this Court finds that the Doctor conducting the post-mortem of the deceased, has not been able to opine about the actual reason for death of the deceased and even the Officer-in-Charge of the Dobhi Police Station, District-Gaya has stated in his supervision note that it is not clear as to whether the present case is that of murder or not. This Court further finds from perusal of the case diary that evidence has come during the course of investigation that the deceased was a habitual drinker and it might be possible that under the influence of liquor, he might have fallen in the river and drowned. Thus, this Court finds, from perusal of the case diary that miniscule evidence is available in the case diary to connect the petitioner with the alleged crime except suspicion and that too on the ground that the petitioner was last seen in the company of the deceased, hence it would be appropriate to grant benefit of doubt to the petitioner herein, specially in view of the fact that the petitioner is having a clean antecedent and is languishing in custody since 11.02.2020, consequently, I direct that the petitioner be admitted to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released 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 Additional Chief Judicial
Magistrate, Sherghati, Gaya in connection with Sherghati
(Dobhi) PS case no. 63 of 2020.

(Mohit Kumar Shah, J)

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