

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37435 of 2020**

Arising Out of PS. Case No.-05 Year-2020 Thana- KHANPURA District- Samastipur

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Raju Singh @ Rajesh Tondon Son of Ram Chandra Singh at present resident
of village - Kanu Bishanpur, P.S. - Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Vikram
For the Opposite Party/s	:	Mr. Nityanand Tiwary
For the informant	:	Mr. Kundan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-03-2021 Heard learned Counsel for the petitioner, learned

Counsel for the informant and learned Additional Public

Prosecutor for the State.

The petitioner seeks regular bail in connection with

Khanpur Police Station Case No. 05 of 2020, registered for the

offence punishable under Sections 302/120-B/34 of the Indian

Penal Code.

The allegation, as per the First Information Report, is

that the husband of the informant had gone to attend a feast in

the village and did not return and upon enquiry his dead body

was found wrapped in a plastic having multiple injuries. The

informant has further alleged that on 16.01.2020, the petitioner,

along with co-accused Vijay Singh, had threatened her husband



that they would kill the husband of the informant i.e. the deceased.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village politics and previous enmity and he has been dragged in this case on the basis of suspicion only. He next submits that in course of investigation, no material has come against the petitioner to connect him with the present offence except statement of three witnesses, who have said that the petitioner had threatened the deceased. He further submits that the persons, in whose houses, the deceased had gone for a feast and the cycle of the deceased was recovered, have not been examined by the Investigating Officer in course of investigation. He next submits that petitioner is in custody since 20.06.2020. He further submits that similarly situated co-accused persons, namely, Vijay Singh, has been granted bail by this Court, vide order, dated 15.01.2021, passed in Criminal Misc. No. 32748 of 2020.

On the other hand, learned Additional Public Prosecutor as well as informant vehemently oppose the prayer for bail and submit that threatening was given out to the deceased by the petitioner and another inasmuch as on



13.01.2020, the petitioner and another had threatened to kill the husband of the informant and in close proximity, i.e. on 17/18-01-2020, the dead body of the deceased was found. He, thus, submits that there is strong suspicion of involvement of the petitioner in the present offence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused, Vijay Singh, has been granted bail by this Court on completion of one year in custody, I am inclined to grant regular bail to the petitioner, **after completing one year in custody.**

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, **after completing one year in custody**, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur, in connection with Khanpur Police Station Case No. 05 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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