

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37558 of 2020

Arising Out of PS. Case No.-96 Year-2020 Thana- NASRIGANJ District- Rohtas

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Teshlal Singh, aged about 62 years, Male, son of Late Dhanushdhari Singh,
R/o Village- Ojhawaliya, P.S.- Nasariganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate with Mr. Surendra Prasad Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-03-2021

Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Surendra Prasad Singh, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Nasariganj (Rohtas) PS Case No.96 of 2020 dated 16.06.2020, instituted under Sections 302, 201, 120-B of the Indian Penal Code.

3. The petitioner along with others is accused of killing his son-in-law.

4. Learned counsel for the petitioner submitted that as



per the allegation, he along with others had come to the house of the informant i.e., his son-in-law and had taken him to his house for settlement between him and his wife, who is the daughter of the petitioner. Learned counsel submitted that as per the allegation, the dead body of the son of the informant was recovered in the evening of 16.06.2020, near the pond in the village of the petitioner. Learned counsel submitted that he being the father-in-law and marriage having taken place thirteen years back and there being children born out of the wedlock, there is no occasion for a father to make his own daughter widow. It was submitted that the police have not acted fairly in the investigation as there are other theories, which have not been probed by the police. Learned counsel submitted that the version in the FIR is that on information the informant reached the spot and saw the dead body of her son, whereas one witness, Umesh Kumar, after one and half months has stated that when the police came he also went looking for the body and the body was recovered and the petitioner was found sitting in a hut near the body. Learned counsel submitted that entire version of the said witness is absurd which is falsified by the statement of the informant, who is the mother of the deceased, herself. It was further submitted that no external injury has been found in the



postmortem examination and the viscera was, thus, sent for investigation to forensic laboratory, but no report has been received. Learned counsel submitted that the petitioner having no criminal antecedent, being aged 62 years, is in custody since 17.06.2020.

5. Learned APP submitted that the petitioner had come to the house of the informant to take the deceased for settlement between him and his wife and in the same evening, his body was recovered from the village of the petitioner and, thus, he cannot be said to be innocent. However, it was not controverted that in the postmortem examination, no external injury has been found.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the ACJM-II, Bikramganj (Rohtas) in Nasariganj (Rohtas) PS Case No.96 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner shall cooperate with the Court/police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.



7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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