

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4886 of 2021

Arising Out of PS. Case No.-325 Year-2019 Thana- DIDARGANJ District- Patna

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RAUSHAN KUMAR Son of LATE UDAY PRATAP SINGH Resident of
Village - Patwatoli Nagar, P.S. - Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur Mr. Pravin Kumar Ms. Vaishnavi Singh
For the Informant	:	Mr. Rashid Zafar
For the Opposite Party/s	:	Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-03-2021 Heard counsel for the petitioner, counsel for the
informant and the State.

The petitioner seeks bail in Didarganj P.S. Case No.
325 of 2019, registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

As per the prosecution case, on 15.12.2019 at about
3.30 pm, informant's elder brother Pankaj Kumar left the house
and shop saying that he is going to make collection, but he did
not return till 6.00 pm. His wife called him on mobile on which
he replied that he is in Hajipur and he is coming within half an
hour. In the late night family member of Pankaj made video call
which was received by police personnel and they stated that



they found a dead body, motorcycle, mobile and purse. Thereafter, they reached there and found the dead body of Pankaj Kumar. It is further alleged that Raushan Kumar (petitioner) wanted to grab his land from before and one Vinod Thakur has borrowed money from Pankaj Kumar who subsequently refused to give money and threatened of dire consequence. Informant further raised suspicion that Vinod Kumar and petitioner along with their associate committed murder of his brother.

It is submitted on behalf of the petitioner that due to old land dispute which is going on between the parties petitioner has been made accused in this case. Earlier this petitioner had lodged a case against the informant and others for committing murder of his father bearing Town P.S. Case No. 38 of 2018. Save and except suspicion there is no material to connect the petitioner with the aforesaid crime. Petitioner is in custody since 13.09.2020.

Counsel for the informant vehemently opposed the prayer for bail and referred para 5 and 6 of the case diary in which statement of witnesses have been recorded and para 13 of case diary which is statement of wife of the deceased, from perusal of which it appears that petitioner and Vinod Thakur



called the deceased for *panchayati* and there is involvement of petitioner in murder of the deceased.

In reply counsel for petitioner submits that during course of investigation only suspicion has been raised and Vinod Thakur is alleged to have called the deceased for settling land dispute.

Considering the facts and circumstances of the case and the fact that save and except suspicion there is no cogent material which shows involvement of petitioner in the aforesaid crime and admittedly there is land dispute between the parties, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, Patna City in connection with Didarganj P.S. Case No. 325 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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