

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5230 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- CHHATAPUR District- Supaul

YUGESHWAR JHA SON OF LATE GANGADHAR JHA RESIDENT OF
VILLAGE- MAJHAUL GUALAPARA, POLICE STATION- CHHATAPUR,
DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s :	Mr. Vijay Kumar Sinha, Adv
	Mr. Santosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-06-2021 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Chhatapur (Rajeshwari O.P) P.S. Case no. 180 of 2020 registered under sections 302, 201 and 34 of the Indian Penal Code.

As per allegation in the FIR, the father of the informant had gone to sleep near the entrance of the house after having his dinner. On the informant waking up at mid night, he found his father missing. Inspite of search his father was not to be found. Subsequently the dead body of his father who had been murdered, was recovered. It is stated that about 4-5 months ago the seven named accused persons including the petitioner herein had threatened to destroy the family of the informant because of a marriage which had taken place following a love affair. The informant states that he is convinced that the accused



persons along with others had murdered his father.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. From perusal of the FIR itself it would transpire that there is no eye-witness to the occurrence and the name of the petitioner along with other accused persons have been taken by the informant only on the basis of suspicion. No independent witness has supported the allegations. The petitioner is in custody since 25.7.2020 and has no criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is named in the FIR and from perusal of the inquest report it would transpire that the accused persons including the petitioner, brutally murdered the informant's father. It is submitted that on account of love affair between Rahul Kumar, grand son of the deceased and Aayushi Kumari, grand daughter (natni) of the petitioner, led to lodging of Chhatapur (Rajeshwari O.P) P.S. Case no. 44 of 2020 by the nephew of the petitioner and at the same time they had threatened to destroy the family. It is submitted that the investigation was not done in a proper manner by the then Dy.S.P and now the investigation is proceeding in a proper manner.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that there is no eye witness to the occurrence in the FIR and only a suspicion has been raised against the petitioner and six others because of the threats given by them 4-



5 months back together with the petitioner having remained in custody for about 11 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Chhatapur (Rajeshwari O.P) P.S. Case no. 180 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul.

(Partha Sarthy, J)

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