

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7272 of 2021

Arising Out of PS. Case No.-319 Year-2019 Thana- PARBATTa District- Khagaria

Aditya Kumar, S/o Shivji Mandal, R/o Village-Indrat Khurd, P.S.-
Bikramganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 29-07-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Parbatta
(Bharat Khand)) P.S. Case No.319 of 2019 (G.R. No.2429 of
2019) registered for the offence punishable under Sections 302,
201/34 of the Indian Penal Code.

The victim (Budhni Devi) has been found dead with
her throat slit. The same has given rise to lodging of the case by



one Village *Choukidar*, alleging that he has received intimation from Lakshmi Devi regarding the victim's killing by the instant petitioner.

It is submitted by the petitioner's counsel that the *Choukidar* is the informant. Information is based on alleged intimation by Lakshmi Devi (*Bhabhi* of the deceased), but in paragraph 10 of the case diary, statement of Lakshmi Devi has been recorded, wherein she has stated that she was an eye-witness to the occurrence and the petitioner along with 2-3 unknown persons had killed the victim, but there is no indication in the investigation why she has chosen not to inform the police.

The submission is that the other materials in the case diary, including the C.D.R., show that on the alleged time of the occurrence, petitioner had a telephonic talk with the deceased. Therefore, the entire allegation of him being in the house at that time and committing the murder is highly unbelievable and doubtful. It is submitted that the petitioner has now been in custody for more than about one and half years i.e., since 06.01.2020. Co-accused Puja Devi has been allowed bail in Cr.Misc. No.84623 of 2019, vide order dated 19.12.2019.

Learned APP for the State has opposed the prayer for bail. It is submitted that Lakshmi Devi in paragraph 10 of the



case diary has stated about her seeing the occurrence.

Considering the rival submissions and that the petitioner has no criminal antecedents, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released 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-I, Khagaria, in connection with Parbatta (Bharat Khand)) P.S. Case No.319 of 2019 (G.R. No.2429 of 2019), subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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