

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 7734 of 2021

Arising Out of PS Case No.-51 Year-2020 Thana- RAJEPUR District- East Champaran

Subodh Kumar, Male, aged about 22 years, Son of Raj Kishor Prasad Gupta
@ Rajkishore Sah, Resident of Village - Sagahari, PS - Rajepur, District -
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the State : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 05.07.2021, which was allowed.

3. Heard Mr. Pramod Mishra, learned counsel for the petitioner and Mr. Pawan Kumar Chaurasia, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Rajepur PS Case No. 51 of 2020 dated 28.05.2020, instituted under Sections 302/34 of the Indian Penal Code.



5. The allegation against the petitioner, his father and mother is of assault on the husband of the informant leading to his death, though specifically against the father of the petitioner that he gave repeated blows on the head of the deceased by iron rod.

6. Learned counsel for the petitioner submitted that the parties are agnates and the petitioner had no role in the incident. It was submitted that even otherwise, there is only a vague allegation that the petitioner was also one of the persons who had assaulted, but the allegation is only against the father that at the behest of his mother, he had given repeated iron rod blows on the head of the deceased. Learned counsel submitted that the petitioner has no criminal antecedent and that his mother has been granted anticipatory bail by order dated 10.06.2021 passed in Cr. Misc. No. 5397 of 2021. It was submitted that the petitioner has been falsely implicated and there is land dispute between the parties. Learned counsel contended that the main allegation is against the father of the petitioner and the whole family has been implicated. It was submitted that on the date and time of incident, the petitioner and his mother were not even present at the place of occurrence, which can be confirmed by tracking the location of his mother's mobile phone as they were at her paternal place in



village Shahpur in the district of Sheohar in connection with treatment of the petitioner.

7. Learned APP submitted that the petitioner was also party to the assault which resulted in the death of the husband of the petitioner and, thus, he cannot plead innocence.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 learned Chief Judicial Magistrate, Motihari (East Champaran) in Rajepur PS Case No. 51 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation would lead to cancellation of his bail bonds.



9. 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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