

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2664 of 2022

Arising Out of PS. Case No.-339 Year-2021 Thana- KESARIA District- East Champaran

Laddu, Son of Late Revindra Kunwar, Resident of Village - Baba Tola
Dilawar Pur, P.S.- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kesariya P.S. Case No. 339 of 2021 registered
for the alleged offences under Sections 302 and 120(B) of the
Indian Penal Code.

As per prosecution case, the petitioner, with the help
of co-accused persons, killed his father as his father used to
assault his mother on minor issues and the FIR has been
registered at the instance of the mother of the petitioner.

The learned counsel for the petitioner submits that the
petitioner has been made accused in this case merely on



suspicion. From the FIR, it is also clear that the petitioner and other co-accused persons were seen near the dead body but that does not mean that they killed the husband of the informant. It is also apparent from the FIR that the deceased was a man of criminal character and he might have been killed by someone else and the petitioner has been falsely implicated in this case. There is no eye-witness to the alleged occurrence. The petitioner is in custody since 28.09.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent. Similarly placed co-accused Harendra Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 1775 of 2022.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner that he along with co-accused persons killed the husband of the informant and a mother would not falsely implicate his son. The post-mortem report also shows the death was due to strangulation.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the



offence as alleged and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kesariya P.S. Case No. 339 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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