

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2977 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- SAHPUR District- Patna

Ujeet Kumar @ Ajit Kumar @ Ajit Rai, Son Of Yogendra Prasad @ Gorakh Rai @ Gorakh Yogendra Prasad, Resident Of Village - Babuchak, Police Station - Phulwari Sharif, District - Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma- Sr. Advocate
Mr. Arun- Advocate
For the Opposite Party/s : Mr. Binod Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned senior counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Section 302/ 34 of the Indian Penal Code.

The learned senior counsel for the petitioner submits that the petitioner is in custody since 20.06.2021, charge-sheet has been submitted in this case and has antecedent of one case under the Excise Act.

The learned senior counsel for the petitioner submits that the informant alleges that on 01.05.2021 at about 7.30 P.M., Ujeet Kumar @ Ajit Kumar @ Ajit Rai (petitioner) and other 8-10 unknown accused persons called his son at a newly



constructed railway line by calling him on his mobile and from there, they took him to unknown place by their vehicle.

It is next alleged that after sometimes, informant came to know that his son was killed and his dead body was thrown near the government school at Majhauri. Accordingly, the police was informed and his son was brought to the hospital where he was declared dead.

The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant is not an eye witness to the occurrence. It is further submitted that it absolutely does not stand to reason that if the deceased had any apprehension from the petitioner, then definitely he would not have gone to meet him on his call. It is next submitted that at best the allegation which is culled out from the F.I.R. is that this petitioner had called his son along with 8-10 unknown persons, but that only gives rise to a suspicion when admittedly, during the course of investigation, not a single eye witness has come forward to get his/ her statement recorded that they have witnessed the occurrence. It is next submitted that it also does not stand to reason that how the informant came to know that this petitioner along with 8-10 unknown persons called his son when in the



F.I.R., it is not even remotely suggested that the son while leaving the house had informed the informant where he was going and on whose call. The learned senior counsel at the cost of repetition submits that it is a case based on suspicion.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in this case and taking into consideration the submissions made by the learned senior counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Shahpur P. S. Case No.147 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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