

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25954 of 2021

Arising Out of PS. Case No.-445 Year-2020 Thana- KOILWAR District- Bhojpur

Lal Bahadur @ Lal Bahadur Rai Son Of Late Ramyad Rai R/O Village And
P.O.- Birampur, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

7 15-02-2022 The applicant/accused in Crime No. 445 of 2020 registered with Koilwar Police Station for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

According to the learned counsel for the applicant there is no iota of evidence against the applicant.

The learned Additional Public Prosecutor opposed the application by contending that eyewitness Sita Kumari is supporting the prosecution case.

I have considered the submissions so advanced and



also perused the materials placed before me.

According to the prosecution case, Lal Sahab- a younger brother came to be murdered by applicant Lal Bahadur, who happens to be elder brother of the deceased, with assistance of co-accused Binod Rai. Co-accused Binod Rai is having advantage of the anticipatory bail granted by a coordinate Bench of this Court vide order dated 01.02.2022.

FIR of the said crime is lodged by Sujit Kumar, who happens to be the son-in-law of deceased Lal Sahab. He reported that on getting information of the incident he went to the village of his in-laws where Sita Kumari (younger sister of his wife) told him that when she had been to the field for searching Lal Sahab, she saw Lal Sahab in dead condition. First informant Sujit Kumar told that upon inquiry he came to know that the present applicant along with co-accused Vinod Rai had committed murder of his father-in-law Lal Sahab.

Perusal of the post mortem examination report shows that the autopsy surgeon has not noted any of the external injury on dead body of Lal Sahab. The autopsy surgeon opined that exact cause of death is difficult to ascertain but the death may be due to sudden cardiac arrest.

Statement of Sita Kumari is recorded by the police.



She does not appear to be eyewitness to the incident. However, she stated that when she reached on the spot she saw both the applicants were trying to conceal the dead body and then they ran away. Such is not her statement made to Sujit Kumar- the first informant.

Considering these aspects of the matter, I see no reason to refuse bail to the applicant and, hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 445 of 2020 registered with Koilwar Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.



(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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