

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26815 of 2021**

Arising Out of PS. Case No.-456 Year-2020 Thana- SARAIYA District- Muzaffarpur

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Aditya Kumar Dwivedi Son Of Sri Anand Kumar Dwivedi, Resident of
Village- Datapur, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the informant : Mr. Sumit Kumar, Adv.

For the Opposite Party/s : Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

6 18-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

Petitioner who is in custody since 19.07.2020 seeks
bail in connection with Saraiya P.S. Case No. 456/2020
registered for the offence punishable under Section 302, 120, 34
of the IPC and 27 Arms Act.

Prosecution case in brief, is that while the



informant was sitting along with his family members at his Darwaja at 03.30 PM on 12.07.2020 one Aditya Kumar Dwivedi, who is the friend of the deceased, came to his Darwaja on a motorcycle and asked his son to accompany him. The informant having suspicion informant followed Aditya Kumar Dwivedi along with his brother Sonu Singh and when they reached near Chhatihari Pokhar the son of informant was shot died and saw Chinta Nand Dwivedi, Sarupa Nand Dwivedi, Vicky Dwivedi armed with pistol in their hand fled away after threatening the informant from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that the only allegation against the petitioner in the FIR is that the victim had accompanied with him and there is no eyewitness in this case who has seen the petitioner to have assaulted the victim with the firearm, rather there is direct allegation against other accused persons named in the FIR that they killed his son by use of firearm. He further submits that deceased was having love affair with the daughter of the accused namely Chinta Nand Dwivedi.

Learned counsel for the informant submits that sufficient evidence has come in course of investigation against the petitioner and the petitioner in his confessional statement



has admitted his complicity in the murder of the son of the informant and as such the petitioner is not entitled to be released on bail. Learned APP has supported the submission made by the informant.

Considering the above-mentioned facts and circumstances of the case it is alleged in the FIR that his son (deceased) and petitioner were friend. The deceased had love relationship with the daughter of the accused Chinta Nand Dwivedi and there being neither any direct allegation of assault nor any firearm recovered from the possession of the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Muzaffarpur in connection with Saraiya P.S. Case No.456 of 2020, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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