

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17020 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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Rohit Panjiyar @ Rohit Kumar, Son of Pramod Panjiya Resident of Village -
Maharajganj, Suratganj, Ward No.15, P.s.- Town, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar Sinha, Sr. Adv.
Mr. Kedar Jha, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-07-2022 Heard learned counsel for the parties.

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

The petitioner is in judicial custody in connection
with Rail Darbhanga (Jainagar) P.S. Case No.11 of 2021
instituted under Section 302/34 of the Indian Penal Code.

At the outset, the learned Senior Counsel for the
petitioner submits that irrespective of the result of this case, the
family members of the petitioner on humanitarian ground
having considered that as the deceased was an ex-employee in
their home, they want to help to his family and as want to give
financial assistance of Rs.50,000/- each to his mother and sister
through Demand Draft issued by the local State Bank of India.
The Demand Draft will be made in favour of his mother, namely



Aruna Devi and sister, namely Rani Kumari of the deceased, which the family wants to hand over to the learned Trial court below to be handed over to concerned family members.

The allegation in the FIR is that the informant got the knowledge from his daughter that she has seen in the facebook that her son Suraj has been killed and is hanging inside a train. She thereafter reached the hospital and saw the dead body of her son, Suraj.

He further alleged that her son was working with the family of the petitioner for nine years but was never paid. When the informant's daughter fell ill, his son went to the family/father of the petitioner and demanded money when it is alleged that not only the family refused to part with the money, even his mobile phone was taken away and he was assaulted too. His son disappeared thereafter and later informant got the knowledge about his death.

Learned Senior Counsel for the petitioner submits that he is quite innocent and had no role to play in the present case. It is a fact that the deceased was employed with his father and was regularly paid the amount so there was no question of any demand or assault or snatching of the phone, rather as per his knowledge, he committed suicide due to failed love affair. It is



lastly submitted that he is a law abiding citizen having no criminal antecedent and is in jail since 25.09.2021 (as stated in para-19 of the bail application).

Taking into account the aforesaid fact that the petitioner is in custody since 25.09.2021, charge-sheet stands submitted and he has no criminal antecedent as also that allegation in the FIR is that the deceased was employed with the petitioner's father, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Rail Darbhanga (Jainagar) P.S. Case No.11 of 2021 to the satisfaction of learned Judicial Magistrate, Railway Samastipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(iv) at the time of furnishing the bail bonds, two Demand Drafts of Rs.50,000/-(Rupees Fifty Thousand) each in the name of mother, Aruna Devi and sister Rani Kumari of the deceased will be handed over to the learned court below who in turn hand it over to the concerned persons after verifying their identity through government issued document.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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