

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28352 of 2021

Arising Out of PS. Case No.-422 Year-2020 Thana- BARAUNI District- Begusarai

SONU KUMAR @ RISHABH S/O Laddu Das Resident of village - Simaria,
P.S.- Barauni (Chakia O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate.
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate.
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 27-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 04.11.2020,
seeks regular bail in connection with Barauni (Chakia OP) P.S.
Case No. 422 of 2020 for the offence punishable under Section
302/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 01.11.2020 at
about 08:15 PM, the petitioner along with other accused persons
took away the son of the informant and after search the dead



body of the son of the informant was found lying in the field.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the incident took place on 01.11.2020 and the F.I.R. has been lodged after delay of two days on 02.11.2020 at 06:30 PM. The petitioner has been made accused in the present case due to enmity and mere on suspicion only on the basis of the fact that the petitioner and the deceased were seen together prior to the alleged murder of the son of the informant. Even from the allegation made in the F.I.R., no motive of commission of alleged crime can be attributed to the petitioner. There is no eye witness of the occurrence. Petitioner has clean antecedent and is in custody since 04.11.2020.

Mr. Sandip Kumar Gautam, learned counsel appearing for the informant submits that the petitioner and the son of the informant are neighbour and there is a long standing enmity between the parties. Due to enmity, the petitioner along with other accused persons after committing murder of the son of the informant fled away from the place of occurrence and on the basis of information given by the spy, they were apprehended after two days from their house.



Learned A.P.P. for the State has also supported the submission made by the learned counsel for the informant and further submits that in view of the nature of allegation, the petitioner above named is not entitled to be released on bail.

Considering the aforementioned facts and circumstances of the case, there is no eye witness of the occurrence, from perusal of the F.I.R., only material against the petitioner is that he was last seen along with the deceased, but nothing has been alleged about any motive of the petitioner behind the commission of the alleged crime, petitioner has clean antecedent and he is in custody since 04.11.2020 and the petitioner is a student of Class B.A.(Hons.) Part-II and taking into consideration the academic career of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai in connection with Barauni (Chakia OP) P.S. Case No. 422 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The petitioner will make his attendance before the concerned police station having jurisdiction every week at 9 AM till the conclusion of the trial.

(Purnendu Singh, J)

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