

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29747 of 2021**

Arising Out of PS. Case No.-59 Year-2020 Thana- BELDOUR District- Khagaria

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RAJAN KUMAR @ PALTU KUMAR SON OF RAMJI SINGH R/O
VILLAGE- TEIHAR, P.S.- BELDOUR, DISTRICT- KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 11-04-2022 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 seeks regular bail in connection with
Beldour P.S. Case No. 59 of 2020 for the offence punishable
under Sections 302/201/34 of the Indian Penal Code.

The prosecution story, in brief, is that marriage of the
deceased took place with the petitioner 10 years ago and out of
the marriage, the couple were blessed with two sons. The



informant who is the brother of the deceased got information on 21.03.2020 from the villager that his sister has died. Accordingly he lodged the F.I.R. against the accused persons including the petitioner who is the husband of the deceased.

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 petitioner was not present at his house on the alleged date of occurrence rather he was working in Bikaner. The incidence has taken place during lock-down. By way of supplementary affidavit, the petitioner has brought on record the statement recorded of the informant in course of the trial. In Para-6 of the cross examination, the informant has stated that the petitioner was not present at his home at the time of alleged incidence. Due to lock-down, he remained in Bikaner. Petitioner has made specific prayer that his two children are left uncared. There is no one in the family apart from his old aged father and mother to look after his children. Sympathetically, the bail application of the petitioner be considered at this stage.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that there is considerable progress in the trial. Hence the petitioner



does not deserve to be released on bail at this stage.

Considering the aforementioned facts and circumstances of the case and the fact that the informant has made specific statement in Para-6 of his cross-examination in course of trial that the petitioner was not present at the time of alleged incidence, due to lock-down, he remained at Bikaner, the petitioner has two children to be taken care of, 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 ACJM-IV, Khagaria in connection with Beldour P.S. Case No. 59 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.

(Purnendu Singh, J)

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