

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30506 of 2021

Arising Out of PS. Case No.-348 Year-2020 Thana- BARHARIA District- Siwan

ABHAY RAM SON OF SHIV BALAK RAM Resident of Village - Baletha
Purab Patti, P.S.- Siwan Mufassil, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, Advocate
For the Informant	:	Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-03-2022 Heard Mr. Prashant Kumar, learned counsel for the petitioner, Mr. Ajay Kumar Tiwary, learned counsel for the informant and Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Barharia P.S. Case No. 348/2020 registered for the offence punishable under Sections 302, 120B and 201 of the Indian Penal Code 1860.

The allegation, as per the First Information Report, is that the petitioner accompanied the son of the informant on his Motorcycle on 28.11.2020 who left his house at about 5:00 PM in order to reach the house of his sister, but on 29.11.2020 at about 7:00 AM, the Police found the dead body of the informant's son. The petitioner has been made accused after the postmortem and inquest report was prepared based upon the information given to the Police



by the Informant at about 8:30 PM on 29.11.2020.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely on suspicion and based upon the circumstantial evidence inasmuch as the petitioner had allegedly accompanied the deceased on his Motorcycle while the deceased was going to his sister's house in another village situated under Barharia Police Station. He further submits that the deceased had left his house on 28.11.2020 at about 5:00 P.M. in the evening and his dead body was found near the village of his sister under Baraharia Police Station on 29.11.2020 at about 7:00 AM in the morning, and the deceased was residing in Siwan Mufassil Police Station. He next submits that no motive has been assigned by the prosecution to connect the petitioner with the present offence. He also submits that the chain of circumstances are not complete and during course of investigation, no material has come against the petitioner, but the Police has submitted the charge sheet without any material, stating therein that further investigation is still going on. The petitioner is in custody since 1.12.2020 having no criminal antecedent and the trial is not likely to be concluded due to pandemic and other reasons in near future.

On the other hand, learned counsel for the informant and State opposed the prayer for bail and submit that the case is based upon the circumstantial evidence and the petitioner was last seen with the deceased and the onus is upon the petitioner to explain



the death of the deceased.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that during course of investigation, no cogent material has come against the petitioner in order to complete the chain of circumstances, the petitioner has got no criminal antecedent, no motive has been assigned by the prosecution and FIR has been lodged after the inquest report and postmortem report were prepared, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Siwan, in connection with Barharia P.S. Case No. 348 of 2020.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

