

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23895 of 2022

Arising Out of PS. Case No.-894 Year-2020 Thana- DEHRI TOWN District- Rohtas

Bidhayak @ Bali @Bablu Faruqui, S/o Vakil Faruqui Resident of Mohalla-
Ambedkar Nagar, Barah Pathar, P.S.- Dehri, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-08-2022 Heard Mr. Rajesh Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Shailendra Kumar
Singh, learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Dehri Town P.S. Case No. 894 of 2020, for the offence
punishable under Sections 302,201/34 of the Indian Penal Code.

The allegation against the petitioner is that he along
with others named in the F.I.R. participated in commission of
murder of the son of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that allegation against the petitioner is that he was last
seen by the informant along with her son (deceased) along with
other co-accused named in the F.I.R. He further submitted that
in course of investigation, no material has been collected against



the petitioner. Statement of informant recorded under Section 161 Cr.P.C. does not disclose that the petitioner had committed the crime. He was last seen along with the deceased. The dead body was not recovered on the confessional statement of the present petitioner rather the same was recorded on the basis of information given by an independent witness to the Police. The petitioner has been made accused merely on suspicion. He further submitted that one co-accused namely Dhananjay Pandey @ Bittu Pandey @ Bittu Sharma @ Bittu Singh has already been granted privilege of bail by this Court vide order dated 23.08.2022 passed in Criminal Miscellaneous No. 14819 of 2022. The petitioner is in custody since 10.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submitted that though there is no eye-witness, but the Police had recovered the dead body of the deceased and in course of investigation the independent witnesses have supported the allegation made in the F.I.R. that petitioner along with other co-accused have participated in commission of murder of the son of the informant.

Having considered the rival submission of the parties, it appears that the petitioner has been roped in the present case mere on suspicion, the law is well settled in this regard that a strong suspicion, howsoever, cannot take the place of proof and



for suspicion an under-trial cannot be kept behind the bar, even after completion of investigation.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1, Dehri-in-Sone, Rohtas in connection with Dehri (T) P.S. Case No. 894 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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