

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28114 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- BISFI (PATAUNA) District- Madhubani

RUKESH KUMAR @ RUKESH SAHANI Son of Bhajan Sahani, Resident
of Village - Jagwan kataiya, P.s.- Bisfi (Patauna), Distt.- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 302, 201,
120(B) and 34 of the Indian Penal Code, in connection with
Bisfi (Patauna) P.S. Case No. 248 of 2021.

As per the FIR, the lady, a widow has alleged that
her husband left the house on 29.8.2021 but did not return in the
night. On the next day, in course of search, she was informed by
co-villager to see the backyard of the house and accordingly she
found the dead body of her husband. The occurrence is of
29.8.2021 and the lady chose to lodge the FIR on 17.10.2021
vide Bisfi (Patauna) P.S. Case No. 248 of 2021 against amongst
other the petitioner herein stating therein that there was land
dispute. She further apprehended that the petitioner may be



involved in the killing of her husband.

Learned counsel for the petitioner submits that this inordinate delay in lodging of the FIR has not been explained and in the said background, the petitioner deserves bail in view of the fact that he do not have criminal antecedent.

Learned counsel for the informant submits though there is delay in lodging of the FIR, the circumstances are against the accused persons and as such he does not deserve the bail.

Learned counsel by reply submits that only on the basis of apprehension, the informant has made allegation against the petitioner.

Considering the fact that there is an inordinate delay in lodging of the FIR which has not been explained, the petitioner do not have criminal antecedent and is in custody since 20.11.2021 (as stated in para-20 of the bail application), this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-I,



Benipatti, Madhubani, in connection with Bisfi (Patauna) P.S.
Case No. 248 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

(iii) he 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;

Nothing observed in the bail application shall be taken up for consideration in course of the trial.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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