

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39118 of 2021

Arising Out of PS. Case No.-42 Year-2021 Thana- SISWAN District- Siwan

Khagendra Singh, Son of Late Deonath Singh, Resident of Village-
Bhaghauna, P.S.- Siswan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Chandra Mohan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

9 13-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Chandra Mohan Jha, learned counsel for the informant as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Siswan P. S. Case No. 42 of the 2021 registered for the offences punishable under Section 363, 364, 201, 120(B) of the Indian Penal Code. However, later on Section 302 of the Indian Penal Code was added.

The prosecution case is based upon the written report filed by the informant, who alleged that his son Aditya Kumar



@ Tuktuk, aged about 5 years, is traceless since morning and in spite of search, they could not find him and the informant suspected some untoward incident might have been happened.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown person. The informant in his further statement reiterated the statement as disclosed in the FIR. On next day of the institution of the F.I.R., the dead body of the son of the informant was found under constructed house of Prahlad Singh. Thereafter, the informant filed another written complaint and suspected the hands of Mukhiya of the village and six persons named in the F.I.R. including this petitioner, who used to sit in the under constructed house of Prahalad Singh and used to take toddy, wine and other substance and ten days ago the accused persons threatened the informant with dire consequences. It is further submitted that during the course of investigation, petitioner was not seen either with the deceased or any other accused persons. In this case, police dog was also requisitioned and the dog allegedly gave signal towards the house of the other co-accused, but not towards the house of the petitioner. It is lastly submitted that the petitioner is in custody since 10.02.2021 and the investigation of the crime is already completed.



Learned counsel for the informant vehemently opposes the bail application and submits that during the course of investigation ample material has come and the witnesses, whose statements have been recorded in paragraph 25 and 26 of the case diary, namely, Hridyanand Singh and Uday Singh, have supported the prosecution case and suspected the complicity of the petitioner. It is also submitted that in fact the villagers caught this petitioner and handed over to the police.

Learned counsel for the State also opposes the bail application and submits that it is heinous crime of committing murder of a five years boy.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not named in the F.I.R. and save and except the suspicion, there is no cogent material which shows the complicity of this petitioner, apart from the fact that the charges have been framed and this petitioner is in custody since 10.02.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Siswan P.S. Case No. 42 of 2021, subject to the



condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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