

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44512 of 2021**

Arising Out of PS. Case No.-52 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

Arjun Sahni S/O- Ramdeo Sahni R/V- Gadhsisai, P.S.- Vidhyapatinagr,
District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

For the Informant : Mr. Dilip Kumar Roy, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 30-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Ms. Renu Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Vidyapatinagar P.S. Case No. 52 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code. He is in custody since 30.04.2021. The petitioner has no criminal antecedent.

As per the prosecution story, Raju Kumar (deceased) who happened to be the son of the informant had come from Delhi a week ago and had taken a pond for fishing in partnership with the petitioner and one Jalandhar Sah. The informant alleges that on 27.04.2021 in the night hours, she saw her son was talking to



someone, after some time her co-villagers and one of them is this petitioner came there together with 4 unknown persons and took away the son of the informant to Kanuaa Gachhi for looking after the pond. While going with them her son had given his mobile to his neighbour Sanjeev Kumar. In the morning till 6 O'clock when the son of the informant did not come back, in course of his search the co-villagers informed that a dead body has been found near Kanuaa Gachhi. The informant reached there and found that it was her son who had been murdered by slitting his neck. She alleged that her son has been killed on the dispute over fishing rights of the pond.

Learned counsel for the petitioner submits that according to the informant her son had been working in partnership with this petitioner and one Jalandhar Sah and had taken the pond for fishing in partnership, therefore, there is no question of the petitioner indulging in killing of the son of the informant as there was no dispute over the fishing rights.

Learned counsel further submits that in the case diary there is no witness at all who has supported the allegations and nobody has seen the alleged occurrence as to how the son of the informant was killed. Police has not collected any incriminating material from the possession of the petitioner.

It is submitted that the only material present in the case



diary is the CDR of the mobile phone of the deceased which shows that on 27.04.2021 he had a talk with the petitioner on many occasions. Learned counsel submits that such talk is not unusual when two persons are working in partnership with each other.

Learned APP for the State and learned counsel for the informant have though opposed the prayer for bail of the petitioner but in course of their argument both the learned counsel admitted that in the case diary there is no witness supporting on the point of having seen the petitioner with the deceased at the time of alleged occurrence. The only material brought to the notice of this Court is paragraph '76' of the case diary which contains the CDR analysis showing that on 27.04.2021 the deceased had talked with this petitioner on some occasion.

Considering the materials noticed above showing that the petitioner and the deceased were working in partnership with each other, there is no allegation of any dispute in the partnership and further in the case diary there is no other material except the CDR analysis showing that the deceased had talked with the petitioner on the said date on some occasion which cannot be said to be unusual when both of them were working as partner. Even in the FIR there is no allegation that there was any dispute between the petitioner and the deceased, considering all this materials, this



Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 3rd Dalsinghsarai, District Samastipur in connection with Vidyapatnagar P.S. Case No. 52 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that 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 steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

