

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50601 of 2021

Arising Out of PS. Case No.-611 Year-2015 Thana- BANKA District- Banka

BINOD DAS S/o Dinesh Das R/o Village - Noniya Bazar, P.S. - Banka,
District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Banka P.S. Case No. 611 of 2015 instituted for the offences
under Sections 302 and 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 12.06.2021, is a person with clean
antecedent, charge-sheet has been submitted and is a young
man, aged about 25 years.

The informant alleges that her daughter-in-law Anita
Devi was murdered and thrown near Orahni Dam by unknown
persons.

Learned counsel for the petitioner submits that from



bare perusal of the allegation as alleged in the FIR, it would manifest that the same was instituted against unknown, i.e. the petitioner was not named in the FIR nor even remote suspicion was alleged against him, further it is submitted that the informant in her re-statement raised suspicion against the petitioner, who is nephew of the Gotani (sister-in-law) of the informant, on the ground that deceased used to talk to him, learned counsel further submits that after investigation it came to light that mobile number was in the name of one Dinesh Das, who is father of this petitioner on which the deceased used to talk, further it also came to light that it was the petitioner who used to talk with the deceased using his father's phone. Learned counsel further submits that except suspicion, based on telephonic conversation, no material has come against the petitioner. There are no eyewitnesses to the occurrence and Dinesh Das has been granted bail by order dated 11.04.2016 in Cr. Misc. No. 7079 of 2016. Learned counsel also submits that if the informant had any suspicion against this petitioner then she must have disclosed that fact in the FIR itself but since the name of this petitioner transpired in the re-statement of the informant it gives an impression that the petitioner was implicated by way of afterthought.



Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and Dinesh Das has been granted bail, in whose name mobile number was registered, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 611 of 2015, with condition that one of the bailors shall be the mother of the petitioner, namely, Munvatiya Devi.

(Satyavrat Verma, J)

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