

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52966 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- BHAGWANPUR District- Begusarai

Shivam Kumar Son Of - Dharmendra Kumar Roy Resident Of Village - Ward
No. 08, Dahia, Dahiya, P.S. - Bhagwanpur, District - Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with
Bhagwanpur P. S. Case No.207 of 2020, instituted for the
offences under Sections 302, 120(B) and 34 of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 04.06.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that when he came back from the hospital, he
saw the dead body of his son (Rahul Kumar), who was
murdered and the body was lying in the room. The informant on



the basis of suspicion alleged that the occurrence might have been committed by Lalan Kumar against whom a case was lodged for murder of his son Rohit in the Year 2015.

The learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. nor any remote suspicion against him is alleged. It is further submitted that the informant in his re-statement also had not taken name of the petitioner nor raised any suspicion against him. The learned counsel further submits that the date of occurrence is 04.09.2020 and the F.I.R. was instituted on 08.09.2020 without any plausible explanation. It is further submitted that the name of this petitioner transpired three months after the occurrence on 29.12.2020 when the informant named him stating that when the occurrence had taken place, he was not in a position to state everything as he was mentally disturbed.

The learned counsel further draws the attention of the Court and submits that the impugned order inadvertently records that this petitioner along with Lalan Kumar had gone to jail in connection with the murder of Rohit when this petitioner was neither an accused in that case nor had gone to jail.

The learned A.P.P. for the State opposes the bail application.



Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and was not named in the F.I.R. and his name transpired three months after the occurrence based on suspicion, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P. S. Case No.207 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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