

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53931 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- CHANAN District- Lakhisarai

Akash Bind Son Of Late Ano Bind @ Late Gano Bind Resident Of Village-
Jankidih Beldaria, Police Station- Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 30-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sanjeev Ranjan, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Chanan P. S. Case No. 30 of 2021 registered for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 25.03.2021 at about 09:00 P.M., while the informant was going to sleep after taking food, in the meantime, the petitioner and



co-accused Aman Kumar came and took away his son for singing holy but the son of the informant did not return till morning and thereafter, he received an information that after committing the murder of his son the dead body was thrown in the wheat field of Suresh Yadav. It is also alleged that the petitioner along with co-accused person have killed his son after pressing his neck as the deceased had love affair with the sister of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that there is no eye-witness to the alleged occurrence and the entire case is based on the circumstantial evidence. It is further submitted that it is the case of prosecution that the deceased was taken away by the petitioner and co-accused person from his house at 09:00 P.M. However, during the course of investigation, it has come that while the deceased was talking with the sister of the petitioner, the petitioner and co-accused person had seen them and thereafter, the deceased was taken away along with the petitioner and co-accused person, which clearly falsifies the prosecution case to the extent whereby it is alleged that the deceased was taken from his house. It next submitted that the deceased was taken away at 09:00 P.M. in the night of 25.03.2021 and the body was



recovered at 10:00 O'clock on 26.03.2021 and there is no close proximity of the taking away of the deceased and the recovery of the body. It is lastly submitted that in the case of the circumstantial evidence, the petitioner having clean antecedent, is in custody since 03.04.2021 and moreover, he is ready to give undertaking that he will remain present on each and every date till the conclusion of the trial.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the deceased was taken away by the petitioner and co-accused person and soon thereafter, the dead body was recovered and the motive of crime is apparent, as the sister of the petitioner had love affair with the deceased, he might have been eliminated by the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that save and except the circumstantial evidence there is no other cogent material and moreover, the petitioner is in custody for more than one year and four months and the charges have already been framed, let the petitioner, above named, 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 Additional Chief Judicial Magistrate-I, Lakhisarai in connection with Chanan P. S. Case No. 30 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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