

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56909 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- TARARI District- Bhojpur

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Birendra Kumar @ Virendra Kumar S/O Late Jimedar Sah R/O Village-
Dumariya, P.S.-TARARI, District-Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-05-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Anil Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with Tarari P.S.Case No. 21 of 2021 for the
offences punishable under Sections 302 of the Indian Penal
Code.

As per the prosecution case, it is alleged that the
father in law, who was a retired person and this petitioner
who happens to be brother-in-law (Devar) always used to
quarrel and wanted to grab his retiral benefits.. It is



alleged that petitioner always used to torture and assaulted the father-in-law of the informant for his money. On 03.02.2021 petitioner forcibly taken all documents of pension, Pan card and Adhar card and taken away his father along with him. Thereafter on 05.02.2021 the dead body of her father-in-law (Jimedhar Sah) was brought to the village.

It is submitted by the learned counsel for the petitioner that deceased, who happens to be father of the petitioner was a retired employee of Electricity Department, Renukot UP and pension of the deceased was being withdrawn from Banaras. Petitioner's father, (deceased) wanted to get his bank account transferred to Tarari, at Bhojpur and for the said purpose, petitioner took his father to the Banaras, where he met with an accident and sustained injury on his head. It is further submitted that there is no eye witness to the alleged occurrence and except suspicion there is no other evidence which suggest the complicity of this petitioner . Petitioner is in custody since 06.02.2021. It is next submitted that except head injury no other injury was found on the body of the deceased. It is lastly submitted that brother of the petitioner had not made any complaint



against the petitioner. There is no motive to kill his own father because other co-sharer is already there.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that allegation levelled against the petitioner is of killing of his father.

Having heard the rival contentions of the parties and taking into consideration the fact that, there is no eye witness to the alleged occurrence and except the allegation made by the informant no other family members has come to support the prosecution case and petitioner having clean antecedent is in custody since 06.02.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bhojpur in connection with Tarari P.S.Case No. 21 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.

(Harish Kumar, J)

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