

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58065 of 2021

Arising Out of PS. Case No.-126 Year-2021 Thana- MAHNAR District- Vaishali

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Rajan Das @ Rajan Kumar @ Rajan Kumar Das Son of Chandeshwar Das
Resident of Ward No.- 7, Basdeopur Chandel, P.S.- Mahnar, District - Vaishali
- 844501.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 17-05-2022 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.

At the very outset, learned counsel for the petitioner
seeks permission to make necessary correction with regard to
the age of the petitioner.

Permission is accorded.

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

The application for grant of regular bail to the
petitioner, above named, who has been made accused and put
behind the bar in connection with Mahnar P. S. Case No. 126 of



2021 registered for the offences punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

As per the prosecution case, the informant alleged that she had married with Sudhir Ram ten years ago, however she developed illicit relationship with one Rajan Kumar Das as her husband used to live in Delhi for doing private job. On protest being made by the husband of the informant Rajan Kumar Das used to threaten with dire consequences to her husband. It is further alleged that on 19.04.2021, the husband of the informant went behind the house to attend the call of nature but he did not return and thereafter, the informant and her mother-in-law found her husband lying dead in pool of blood. It is also alleged that co-accused Chandeswar Das also reached at the place and lifted the knife found near the body of the deceased and washed its blood and threw it. She also asserted that, in fact, this petitioner killed her husband and Chandeswar Das tried to hide the evidence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is aged about nineteen years whereas the informant is more than 37 years old and except the threatening, there is no material available on record which suggests the complicity of this petitioner in this case.



Moreover, from bare perusal of the *fardbayan* of the informant, it appears that on 19.04.2021 at about 08.30 P.M. the mother and the sister-in-law (*bhabhi*) of Rajan Kumar Das told to the informant that someone is crying in the maize field but during the course of investigation, the statement of both these persons have not been recorded by the Police. It is further submitted that there is no eye-witness of the alleged occurrence and so far as the allegation of any tampering with the evidence is concerned, that has been attributed against Chandeswar Das and this petitioner having clean antecedent, is in custody since 19.04.2021. Apart from the fact that the investigation has already been completed and the charge-sheet has been submitted in the present case.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is motive behind the occurrence as this petitioner had illicit relationship with the informant and he always used to threaten the husband of the informant, whenever he protested against the illicit relationship.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is no eye-witness to the alleged occurrence and except suspicion that



too on the basis of the alleged illicit relationship and threatening, the name of the petitioner has been falsely implicated as an accused of this case and except the family members there is no independent witnesses, who have supported the prosecution case and this petitioner is in judicial custody since 19.04.2021 and having clean antecedent and aged about nineteen years old, 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 Judicial Magistrate 1st Class at Hajipur (Vaishali) in connection with Mahnar P. S. Case No. 126 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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