

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61523 of 2021

Arising Out of PS. Case No.-318 Year-2021 Thana- KOILWAR District- Bhojpur

PAPPU KAHAR Son of Gayeen Kahar R/o Village - Songhatta, P.S.- Koilwar
(Gidha O.P.), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar, Advocate
		Mr. Sonu Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Koiwar P.S. Case No. 318 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, the son of the informant left his house on getting phone call from the petitioner and next day his dead body was found in an orchard. The informant showed his suspicion that his son was murdered by the petitioner and others.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to some



personal grudge. The whole prosecution story is false and fabricated and petitioner has been implicated merely on the basis of suspicion that he was the person who called the victim by making a phone call. Learned counsel further submits that during the relevant period, call details report of the mobile phone of the petitioner shows that maximum phone call were made by the victim himself. Only one call was received by the victim and that number does not belong to this petitioner, so the prosecution story of calling the victim by the petitioner is falsified. Furthermore, the dead body was recovered from an open space and still there is no eye witness who might have seen the whole occurrence. The petitioner was the friend of the victim and he has no enmity with him. There is no reason for causing his death. Even no one has seen the petitioner with the victim just before his death. Charge sheet has been submitted in this case and the petitioner is in custody since 19.07.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is named in the FIR along with unknown person.

Perused the record.

Having regard to the fact and circumstances the fact that there is hardly any substantive material on record against the petitioner to connect the death of the son of the informant and also taking into consideration that charge sheet has been submitted as well as period of custody of the petitioner, the petitioner above



named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bhojpur in connection with Koilwar P.S. Case No. 318 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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