

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63860 of 2021**

Arising Out of PS. Case No.-166 Year-2021 Thana- BHAGWANPUR District- Vaishali

Ved Prakash @ Golu S/O Arun Kumar Singh R/O- Panapur (Hansimalahi),
P.S.- Bhagwanpur, Distt- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh
For the Opposite Party/s	:	Mr. Ajay Kumar Jha
For the Informant	;	Mr. Parijat Saurav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Section 302 of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 30.07.2021, 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 his neighbour's son Ved Prakash @ Golu
called the son of the informant through mobile and took him to
take bath and drowned him in a ditch. Further the occurrence
was witnessed by Nishant Kumar, who was slapped by the
petitioner also. Nishant Kumar informed the informant about the



occurrence.

It is next alleged that informant had orally exchanged a piece of land from Arun Singh, father of the accused and on the said land, the informant got her new house built and the petitioner was demanding a shop in the said premises, but her husband refused the same.

The learned counsel for the petitioner submits that from bare perusal of the F.I.R., it would manifest that the date of occurrence is 05.07.2021 and the F.I.R. has been instituted on 28.07.2021, after a delay of 23 days without any plausible explanation in the F.I.R. The learned counsel submits that it absolutely does not stand to reason that if Nishant Kumar was an eye witness to the occurrence and he had informed the informant about the occurrence, then the informant remained silent for so long. The learned counsel further submits that if the deceased had any apprehension from the petitioner, then definitely he would not have accompanied him for taking bath merely on his call. The learned counsel submits that the deceased died because of drowning and on account of dispute relating to land as has been alleged in the F.I.R., the informant falsely implicated the petitioner.

The learned counsel for the informant as well as



learned A.P.P. for the State opposes the bail application and submits that from perusal of the F.I.R., it would manifest that Nishant Kumar had witnessed the occurrence and as such, he was an eye witness to the occurrence. Further, Nishant Kumar in his statement under Section 164 of the Cr.P.C. has also supported the prosecution case, but are not able to meet the submission of the learned counsel for the petitioner regarding delay in instituting the F.I.R.

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 taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhagwanpur P. S. Case No.166 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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