

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64472 of 2021**

Arising Out of PS. Case No.-102 Year-2020 Thana- WARISNAGAR District- Samastipur

RAJEEV KUMAR SAH Son of Baidhanath Sah Resident of Village -
Raghunathpur, P.O.- Kishanpur, P.S.- Warishnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 30-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Warishnagar P.S. Case No. 102 of 2020, G.R. No. 903/2020
registered for the offences punishable under Sections 302/201 of
the Indian Penal Code.

As per prosecution case, there is accusation against
the petitioner that he took away the informant's son for walking
on 28.04.2020 at about 4:00 PM but informant's son did not
return to his house and on 29.04.2020 at about 9:20 A.M. one
lady of informant's village informed that dead body of
informant's son is lying on roadside east from Kishanpur



railway line. Thereafter, informant and villagers went there and found that dead body of informant's son was lying. The informant claimed that his son has been murdered by petitioner and his associates by strangulation and after that dead body of his son has been thrown on roadside east from railway line.

Learned counsel for the petitioner submits that petitioner is in custody since 22.07.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no eye witness of the alleged occurrence. He further submits that from perusal of the FIR, petitioner can be said that he is last seen with the deceased but during course of investigation, it has come that deceased was last seen with co-accused Eklavya Kumar. No motive is attributed to the present petitioner to commit the alleged occurrence. There is no direct evidence whatsoever found on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that so far as motive behind the alleged occurrence is concerned, the same is attributed to the co-accused Eklavya Kumar as there is dispute between deceased and co-accused Eklavya Kumar on account of illicit relation between wife of co-accused Eklavya Kumar and



deceased.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody which is more than one year, keeping in view clean antecedent of petitioner, nature of allegation, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned IVth Additional Sessions Judge, Samastipur in connection with Warishnagar P.S. Case No. 102 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

