

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65040 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- GADHPURA District- Begusarai

ARVIND SINGH @ ASHOK SINGH Son of Late Rajkaran Singh Resident
of Village - Kanausi, P.S.- Gadhpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary, Advocate.

For the Opposite Party/s : Mr.Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Gadhpura P.S. Case No. 63 of 2021 for the offence punishable
under Sections 302/201/120B/34 of the Indian Penal Code.

As per the F.I.R., there is direct and specific allegation
against the petitioner to have committed murder of the father of
the informant due to enmity between the parties and has thrown
the dead body to unknown place with an intention to dispose of
the same.

Learned counsel appearing on behalf of the petitioner
submits that merely on the basis of suspicion the petitioner has
been dragged in the present case. Admittedly, the dead body of



the deceased was found below the Laxmipur transformer and the cause of death as per the doctor who had conducted the autopsy of the dead body of the deceased is due to electrocution caused by high voltage electric current. Petitioner is in custody since 09.07.2021 and charge sheet has been submitted.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having heard the rival submission of the parties, on careful reading of the allegation made in the F.I.R., it appears that suspicion has been raised against the petitioner that he has committed murder of the victim. The said fact is not substantiated by any material rather the dead body of the victim was found near the high voltage transformer and the doctor who had conducted the autopsy has given his opinion that the death was caused due to high voltage electric current which caused electrocution of the body of the deceased. Petitioner has been made accused in the present case merely on the basis of suspicion. In this regard law is well settled that suspicion howsoever strong cannot take the place of proof and for suspicion an under trial prisoner cannot be kept behind the bar even after completion of investigation. As such the petitioner has made out a case to be released on bail.



The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Gadhpura P.S. Case No. 63 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

mantreshwar/-

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

