

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66679 of 2021

Arising Out of PS. Case No.-348 Year-2020 Thana- BANKA District- Banka

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Bajrangi Kumar @ Bajrangi Kunwar, Son of Late Arjun Kumar, Resident of
Village-Belutikar, P.S- Barahat, Dist- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 02-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 73 of 2021, arising out of
Banka (Barahat) P.S. Case No. 348 of 2020, registered for the
alleged offences under Section 302 of the Indian Penal Code.

As per prosecution case, the petitioner killed his
mother as she had been opposing his affair with the wife of the
cousin of the petitioner.

The learned counsel for the petitioner submits that the
informant of the case is another cousin of the petitioner and for
usurping the property of the petitioner, he has falsely implicated



him in this case as he is the only heir after death of his mother. The mother of the petitioner died due to accidental fall from the roof. The informant is not an eye witness and no one has seen the occurrence. The petitioner is in custody since 10.05.2020 and though about two and half years have been elapsed since his custody, trial has not been concluded and there is no likelihood of conclusion of trial in near future. The petitioner has no criminal history.

Learned APP opposes the prayer for bail submitting that it is a peculiar case and as there was no one else in the family of the petitioner and the deceased, so filing of the case by the cousin is quite natural and there is specific allegation against this petitioner for killing his mother. The witnesses in paragraphs 8, 9 and 10 of the case diary have also supported the prosecution case. The learned APP further submits that the trial is likely to be concluded very soon since a number of witnesses have already been examined.

Perused the records.

Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the report of the learned trial court which shows trial is still at the stage of evidence of the prosecution and further considering the



fact that there is no direct and substantive material available on record to connect the petitioner with the offence as alleged and also considering the period of custody of the petitioner, he 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 Sessions Judge-III, Banka, in connection with Sessions Trial No. 73 of 2021, arising out of Banka (Barahat) P.S. Case No. 348 of 2020, 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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