

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69274 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- PHULWARISHARIF District- Patna

Avinash Kumar, Son of Rajeshwar Singh Resident of village - Simra, Police
Station - Janipur (Phulwari Sharif), District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanju Singh

For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 120(B), 328, 302, 506/ 34 of
the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 02.08.2021, 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 on 22.06.2020, his son on call of Sonu
Kumar went to attend a dinner in a hotel in the night and in the
morning, there was hulla, on which the dead body of the
deceased was found lying near the boundary of Randhir Singh.



Thus, the informant alleges that on account of dispute relating to money between his nephew (Amresh Kumar) and the accused persons named in the F.I.R. might have killed his son by poisoning as his son had intervened on behalf of Amresh Kumar when accused were threatening him and accused Arun Kumar had called and threatened the deceased of dire consequences if money not paid.

The learned counsel for the petitioner submits that petitioner is not named in the F.I.R. The informant is not an eye witness to the occurrence. The entire allegation hinges around suspicion and the dispute, if any, relating to money of the accused was with Amresh Kumar and not with the son of the informant. It is further submitted that had the deceased any apprehension from the accused that they might kill him, then definitely he would not have gone on call of Sonu Kumar to attend a dinner in a hotel. The learned counsel submits that the name of this petitioner transpired after one year of the occurrence in the statement of Punam Devi, wife of the deceased. It is further submitted that co-accused Bhushan Sharma @ Bhushan Kumar has been granted bail by order dated 13.04.2022 in Cr. Misc. No.66844 of 2021.

The learned A.P.P. for the State opposes the bail



application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent and charge-sheet has been submitted in the case, the allegation hinges around suspicion and his name transpired one year after the occurrence and the informant is not an eye witness to the occurrence, 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 Phulwari Sharif (Janipur) P. S. Case No.340 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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