

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20405 of 2022

Arising Out of PS. Case No.-158 Year-2020 Thana- RAGHUNATHPUR District- Siwan

ANKIT KUMAR SINGH @ ANKIT KUMAR, Son of Ajay Prakash Singh,
Resident of village - Dighwaliya, P.S.- Raghunathpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.P.N. Shahi, Sr. Advocate Mr.Udai Shankar Singh, Advocate
For the State	:	Mr.Tarun Prasad Mandal, APP
For the Informant	:	Mr.Shamboo Pd. Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 06-02-2023 Heard learned senior counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

The petitioner seeks bail in connection with Raghunathpur
P.S. Case No. 158 of 2020 registered for the offence punishable
under Sections 302 and 34 of the Indian Penal Code.

The FIR states that the informant's son received a
telephone call on 26.09.2020 in the evening, whereafter he has gone
out of the house. The dead body of the son has been found next
morning on 27.09.2020.

Learned senior counsel for the petitioner submits that the
petitioner is not named in the FIR. His implication in the instant case
is on the basis of the material in the case diary, wherein a love story
has been introduced alleging that the deceased was having intimate
relations with the petitioner's cousin sister. The same is false. There
is no cogent material in the case diary or during the course of
investigation so as to even suggest the petitioner's involvement. He



has no antecedents and based on unfounded suspicion only, he is in custody since 21.01.2022. It is also submitted that persons in the locality have informed the Police during investigation regarding stubborn nature of the victim. Moreover, investigation is also complete.

Learned APP for the State and learned counsel for the informant have opposed the prayer for bail. It is submitted that during the investigation, material has emerged to show various phone calls between the deceased and the instant petitioner, even on 26.09.2020 when he had left home. The same is an indication of the petitioner's accomplicity. The cousin sister of the petitioner has also been examined and she has also accepted that she was having a friendly relation with the deceased and she was on talking terms on phone also with him.

Considering the rival submissions, the material collected in the course of investigation, this Court, for the limited purposes of grant of bail, would find that the circumstances which has emerged during the investigation, such as repeated calls between the petitioner, deceased, and petitioner's cousin sister and mobile tower location may not be incriminating circumstances as they are all known to each other, and belong to the same locality. This consideration, however, would not in any way effect the merits of the matter at the trial, or any other proceedings. The petitioner's fair antecedents and his period of custody of more than one year are also relevant considerations.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.



Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIIIth, Siwan, in connection with Raghunathpur P. S. Case No. 158 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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