

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9585 of 2024

Arising Out of PS. Case No.-443 Year-2023 Thana- TAJPUR District- Samastipur

Sakindar Ray @Sakindar Kumar son of Ram Subodh Rai Village -Chak Pahar
ps -tajpur (halai op) district- samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjai Kumar Singh, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 443 of 2023, registered on 05.08.2023 for the offences under Sections 302, 120B, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, dead body of an unidentified male was found in a ditch. Later on he was identified as uncle of the petitioner and the name of the petitioner along with other co-accused persons surfaced for being involved in the murder of the uncle of this petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on saying of the co-accused as both are agnates and there has been family dispute between the

parties. The deceased was himself accused of murder of his brother and was on bail. The petitioner was named in this case only on the basis that he was in telephonic contact with the wife of the deceased and there is further allegation that the petitioner was having illicit relationship with the wife of the deceased. The wife of the deceased and his son are also accused in the present case. The witnesses examined during investigation did not say anything about this petitioner though it has been stated that the co-accused persons took away the deceased with themselves and thereafter the dead body was recovered. Thus, except for confessional statement of the co-accused no substantive evidence has come against the petitioner to connect him with the offences as alleged. The petitioner is not having any criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners that in case of circumstantial evidence, no direct substantive evidence could be found in such case.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the remoteness of allegation which appears to be vague and without any supporting material available on record, and also

considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 443 of 2023, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other 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 below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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