

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34148 of 2024

Arising Out of PS. Case No.-515 Year-2023 Thana- JAHANABAD District- Jehanabad

Vijay Singh, Son of Muni Singh, R/O Vill.- Bhawanichak, P.S.- Kalpa, O.P.-
Jehanabad, Dist.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-07-2024 Heard Ranjay Kumar Singh, learned Advocate

 appearing on behalf of the petitioner and the learned Additional

 Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Jehanabad P.S. Case No. 515 of 2023 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that the informant received an information that the dead body of his father was lying in the orchard of the petitioner. On receipt of information, he rushed to the place of occurrence and found that it was a case of murder. It is alleged that ten days ago co-accused Naulesh Kumar and Devendra Singh had threatened his father with dire consequences. Suspicion has been raised that



both of them have killed his father and thrown the dead body in the orchard of the petitioner.

4. Learned Advocate appearing on behalf of the petitioner contended that the petitioner is not even named in the FIR, however, during the course of investigation one Dhananjay Kumar, whose statement has been recorded by the Investigating Officer, has disclosed that the father of the informant died on account of electrocution as this petitioner has fenced his orchard through electric wire, wherein current was flowing. The post-mortem report also suggests that the deceased died on account of electrocution. In the aforesaid premise, the petitioner has been made accused. Referring to the FIR, learned Advocate further contended that the informant has not even suspected that the death has caused on account of electrocution. Had it been a case of electrocution, the informant would have certainly disclosed this fact to the police. It is also contended that in fact the informant on not being satisfied with the investigation has filed a Cr.W.J. Case No. 1426 of 2023, wherein he made specific allegation against the Investigating Officer and the Doctor that in order to save the real culprit, a sham and perfunctory investigation has been conducted. Learned Advocate for the petitioner further contended that there is no eye witness to the



alleged occurrence and moreover, the petitioner is man of fair antecedent and now he is in custody since 06.03.2024, the charge-sheet has been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that during the course of investigation, the complicity of the petitioner has come.

6. Regard being had to the submissions made on behalf of the parties and considering the written report of the informant wherein not even a suspicion of electrocution has been raised, coupled with the fact that the investigation of the crime is complete and chargesheet has been submitted; the petitioner bears fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S. Case No. 515 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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