

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48574 of 2024**

Arising Out of PS. Case No.-299 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Devnath Thakur Son of Late Manik Thakur Village- Prakhand Karyalay
Hajipur, Ps- Hajipur Sadar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Adv

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 22-11-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Hajipur Sadar P.S. Case No. 299 of 2021 registered for

the offence under Sections 302, 201 and 34 of the I.P.C.

3. The accused/petitioner is named in the F.I.R.

and he is in custody since 28.10.2021.

4. The allegation against the petitioner is to

commit murder of his daughter.

5. Mr. S.K. Lal, learned counsel appearing on

behalf of the petitioner submitted that the implication of

petitioner in present case appears only on the basis of

suspicion for simple reasons that he is the father of

deceased. It is submitted that save and except aforesaid



relation and suspicion arising thereof, nothing incriminating material appears against petitioner during course of investigation as to connect him *prima-facie* with present occurrence of murder. It is submitted that even being father, for committing present occurrence, no motive appears to be assigned through FIR or surfaced even during the course of investigation. Learned counsel further submitted that facing similar allegation, mother of deceased namely, Babita Devi, who is also one of the co-accused in present case has been granted bail by this Court through Cr. Misc. No. 46696 of 2021 dated 21.06.2022. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is also pointed out that the petitioner remains in custody for more than three years, and not even a single prosecution witness was examined in this case suggesting trial a remote event.



6. Learned APP while opposing the prayer of bail submitted that petitioner being father, is duty bound to explain the circumstances that how the murder of his daughter was committed. It is further submitted that immediately after occurrence, the petitioner left his house and absconded, which is a strong incriminating circumstance against him.

7. Considering the facts and circumstances as mentioned above as save and except suspicion arising out of relation of petitioner with deceased being father, nothing incriminating substance appears against petitioner during course of investigation as to connect him *prima-facie* with present occurrence of murder, coupled with fact that petitioner remains in custody for more than three years and not even a single witness was examined till date, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 299 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali, Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/Section 480(3) of BNSS, subject to the following conditions:

(i) Accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) One of the bailors shall be Mithlesh Thakur, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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