

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54076 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- JANDAHA District- Vaishali

Chandan Sah Son Of Ramashish Sah Resident Of Mohalla - Jandaha Purani
Bazar, Ward No. 4, P.S. - Jandaha, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate
For the State : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Jandaha P.S. Case No. 126 of 2024 for the offences punishable under Sections 302 and 34 of the Indian Penal Code, lodged on 28.04.2024 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that he runs a jewelry shop in Jandaha Bazaar and on the fateful day, as he left the place whereafter his son also came out of the home, his wife was alone. Later, a cart-puller came to the house, knocked the door and found his wife dead. As he was informed about the incident by one Kishan Kumar that he has got electrical shock, he reached and saw the injuries as also burning of the skin by hot iron. Further, he had suspicion that Kishan Kumar had earlier responsible for the disappearance of the



jewelry from his shop whereafter his son had removed him that may be reason for alleged occurrence. Accordingly, the F.I.R.

4. Subsequently, Kishan Kumar (son of the petitioner) was apprehended and he narrated the entire story how after ascertaining that the informant as also his son left the place, he entered home to commit theft fully knowing that his aunt remains on the roof at that time. However, to his misfortune, she came down, caught him and as she tried to shout, he took the said iron and injured the lady whereafter by the wire of the electrical iron, she was throttled to death. The accused Kishan Kumar thereafter hastily left the place. Everything was recorded in one of the CCTV where the police also found blood on the hand of Kishan Kumar whereafter he was apprehended and is now in custody.

5. So far as this petitioner is concerned, he is father of the said accused and allegation against him is that once the family saw Kishan Kumar in a bad condition, they tried to protect him instead of informing the police and in that background, have also become accused.

6. Learned counsel for the petitioner submits that a perusal of the F.I.R. as also the case diary would show that the main allegation is against his son, Kishan Kumar who executed



the entire episode single handedly. At best, the role of concealing the entire story goes to this petitioner for which he has already suffered by being in custody since 01.05.2024 (paragraph no.16 of the petition).

7. Learned counsel for the informant on the other hand opposes the prayer submitting that though his son committed the crime, he is an abettor in the sense he did not informed either the informant or the Police about the accused son.

8. Though, allegation is against the petitioner, it is his son Kishan Kumar who executed the entire unfortunate incident in which an innocent lady lost her life. He has remained in custody since 01.05.2024, has no criminal antecedent, charge sheet stands submitted, in that background, this Court is inclined to extend him the privilege of bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Vaishali, in connection with Jandaha P.S. Case No. 126 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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