

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56877 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- LAKHAURA District- East Champaran

Bhola Kumar Son of Lakhan Rai @ Lakhan Ray R/O Vill.- Naurangia, P.S.-
Lakhaura, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha, Advocate
	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-11-2024 Heard Mrs. Rashmi Jha, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Lakhaura P.S. Case No. 62 of 2024 for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code, lodged on 13.06.2024 by the informant, Kanhayi Sah.

3. As per the prosecution story, the informant alleged that while sitting on his door, the accused persons called his son and took him for a feast. The failed to return and later found his mobile switched off, in the morning when the search was made, he was found in injured condition and gave the name of the accused persons who have assaulted him, subsequently died and



taken to Sadar Hospital, Motihari for post mortem. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that neither in the alleged invitation of feast, his name has come nor the alleged deceased while narrating his story named this petitioner, it is only in the confessional statement of Rangeela Yadav that his name has come which resulted into his custody since 17.06.2024 (paragraph no.4 of the petition) despite the fact that the petitioner do not have criminal antecedent.

5. In this case, the case diary was called for by a coordinate Bench which has been received and learned APP has taken this Court to the confessional statement of Rangeela Yadav in which he has narrated the story that they used to dread the deceased and apprehended assault from his side and thus planned to remove him before they are harmed. Accordingly, knives were purchased and as per the planning he was killed in the confessional statement. He has named this petitioner also as one of his accomplice.

6. However, upon query, whether the subsequent narration of the Rangeela Yadav that he dumped his blood stained clothes in the ditch, same was searched and/or seized or not, learned APP for the State submitted that there is no such



statement in the case diary.

7. It is unfortunate that vital clue which can be taken into consideration at the time of Trial has been missed out by the police if the contention of the learned APP is to be believed. Whether the same is deliberate or not, this is for Superior Police Officials to decide.

8. Considering the aforesaid facts as also that the petitioner has not been named either by the informant and/or by the deceased as the story goes, his period of custody as also that he do not have criminal antecedent, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Lakhaura P.S. Case No. 62 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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