

Arising Out of PS. Case No.-1 Year-2024 Thana- INDUSTRIAL District- Bhagalpur

Atul @ Atul Alok S/o Bijoy Kumar Singh R/o Jhurkhuriya, Zero Mile, P.S.-
Industrial, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad
For the Informant	:	Mr. Pravin Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-10-2024 1. Heard learned Senior counsel for the petitioner,
learned A.P.P. for the State and the learned counsel appearing on
behalf of the Informant.

2. The petitioner seeks bail in connection with Industrial P.S. Case No. 01 of 2024 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. Learned Senior counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his son was studying in standard IX at Takshila school and was living in the school hostel, it is next alleged that on 02.01.2024, he was murdered in the hostel and the school Manager (petitioner) called the brother-in-law of the informant namely Sanjeev Kumar around 02:00 PM and when



Sanjeev reached the place of occurrence, the body of the deceased was lying on the bed and on query, he was informed that deceased hanged himself.

4. Learned Senior counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant himself has stated that it was this petitioner who called Sanjeev and informed him about the death of the deceased. It is next submitted that it absolutely does not stand to reason that as to why the petitioner who is son of the owner of the school would have committed such an occurrence and thus would have brought disrepute to the institution. It is further submitted that police during the course of investigation recorded the statement of a very close friend of the deceased namely Jyotish at Para-100 of the case diary wherein he has given a very vivid description of his friendship with the deceased. It is also submitted that from perusal of Para-100 of the case diary, it would manifest that Jyotish has not even remotely suggested that the deceased on account of any animosity with the petitioner committed the occurrence.

5. The learned Senior counsel for the petitioner



further submits that during the course of investigation, the mobile of the petitioner was seized as stands recorded at Para-45 of the case diary and from perusal of Para-45 of the case diary, it would manifest that the same records that voice message of the petitioner was recorded in his mobile where he was heard talking to his colleagues/inmates of the school to hush up the evidence, it is submitted that it is a very normal reaction of a person when faced with such situation thinking about the reputation of the school, but then in the same breath, it is submitted that it was petitioner himself who informed Sanjeev, the brother-in-law of the informant, about the occurrence.

6. The learned Senior counsel for the petitioner next submits that during the course of investigation nothing has come which could even remotely connect the petitioner with the offence that it was because of this petitioner that the deceased was murdered or he committed suicide. It is also submitted that petitioner is in custody since 16.07.2024.

7. The learned Senior counsel for the petitioner next submits that from perusal of the statement of Jyotish as recorded at Para-100 of the case diary, it would also manifest that he, apart from describing vividly his relationship with the deceased, has also stated that when he came to know that such an



occurrence had taken place, he accordingly went to the room of the deceased where the petitioner and others from before were standing and the room was locked from inside. It is further submitted that in the event if the privilege of regular bail is granted, the petitioner will not abscond, rather will cooperate in the investigation and also in the trial to prove his innocence.

8. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant oppose the prayer for regular bail of the petitioner.

9. The learned APP for the State submits that during the course of investigation as submitted by the learned Senior counsel for the petitioner, the mobile of the petitioner was seized where he was heard talking with his colleagues/inmates to hush up the case. It is also submitted that at Para-146 of the case diary, it has come that the deceased had written a letter to Jyotish and the said letter was recovered and sent to the FSL for examination whether it was written by the deceased to Jyotish or not and after obtaining report of the FSL, it was found that the letter was written by the deceased to Jyotish in which he had acknowledged his intimacy with Jyotish and the letter is a detailed letter. It is submitted that during the course of investigation, it has also come that when the school



management including the petitioner came to know about the intimate friendship of the deceased with Jyotish, they had reprimanded the deceased, hence the deceased might have committed suicide.

10. The learned counsel appearing on behalf of the informant opposes the regular bail application, but then is not in a position to rebut the submissions of the learned Senior counsel appearing on behalf of the petitioner that during the course of investigation nothing came which could even remotely connect the petitioner with the offence and that it was informant who had informed Sanjeev about the occurrence.

11. Considering the submissions made by the learned Senior counsel for the petitioner, the petitioner above-named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Industrial P.S. Case No. 01 of 2024.

12. One of the bailors of the petitioner shall be his father namely Bijoy Kumar Singh.

13. It is made clear that if the Investigating Officer of the case files an application before the learned Trial Court that



petitioner after his release is not cooperating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

14. It is also made clear that if charge sheet is submitted and charges are framed and thereafter, the learned Trial Court comes to a conclusion that petitioner is trying to delay the trial in any manner, in that event also the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

15. The personal appearance of the SHO, Industrial P.S. and the Investigating Officer of the case is dispensed with.

16. Accordingly, the instant regular bail application stands allowed.

(Satyavrat Verma, J)

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