

(2020) 07 PAT CK 0290

Patna High Court

Case No: Criminal Miscellaneous No. 77858 Of 2019

Ajeet Kumar @ Ajit Das And Anr

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: July 15, 2020**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 201, 302
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Binod Kumar Singh, Satya Nand Shukla**Final Decision:** Disposed Of

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Binod Kumar Singh, learned counsel for the petitioners and Mr. Satya Nand Shukla, learned Additional Public Prosecutor (hereinafter referred to as the "APP" for the State).

3. The petitioners apprehend arrest in connection with Ghosi PS Case No. 226 of 2019 dated 25.06.2019, instituted under Sections 302/201/34 of the Indian Penal Code.

4. The allegation against the petitioners, including three others, is of killing the daughter of the informant and disposing the body to destroy evidence.

5. Learned counsel for the petitioners submitted that the petitioner no. 1 is the cousin nephew of the husband of the alleged victim, i.e., Rajiv Das,

whereas the petitioner no. 2 is the cousin brother of Rajiv Das. It was submitted that Rajiv Das was the husband of the daughter of the informant and whatever may have happened is totally between the husband and the wife, but the petitioners have been implicated just because they are related to Rajiv Das. It was further submitted that they are living separately and neither have any role nor complicity in whatever may have happened to the daughter of the informant. It was submitted that they have been implicated in very general and vague terms. Learned counsel submitted that the petitioners have no other criminal antecedent.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story. However, he could not controvert the fact that the petitioners are related to the husband of the informant and nothing specific has come against them during investigation.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25, 000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in Ghosi PS Case No. 226 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and subject to further condition that one of the bailors shall be a close relative of the petitioners and the petitioners shall co-operate in the investigation, if it is continuing, and also with the Court during the proceeding. Failure to do so shall lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.