

Ashok Kumar @ Ashok Vs. the State of Bihar

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Court : Patna

Decided On : May-19-2012

Appellant : Ashok Kumar @ Ashok

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.34835 of 2011

===== 1. Ashok
Kumar @ Ashok 2. Dilip Kumar, both sons of Markandey Singh R/O Vill.-
Badhaiabag (Saitola), Takiya, P.S.- Sasaram (Model), Dist.- Rohtas.
Petitioner/s Versus The State Of Bihar. Opposite Party/s

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Appearance : For the Petitioner/s : Mr. K.N. Choubey, Senior Advocate For the
Opposite Party/s : Mr. S.K.Pandey, APP For the informant : Mr. Ram Chandra
Singh, Advocate

===== CORAM:
HONOURABLE MR. JUSTICE JYOTI SARAN ORAL ORDER (Per:
HONOURABLE MR. JUSTICE JYOTI SARAN) 3. 19.01.2012. Heard learned
counsel appearing on behalf of the petitioners, the learned counsel appearing on
behalf of the State and learned counsel appearing for the informant. The
petitioners are in custody in connection with Sasaram (Model) P.S.Case No.508 of
2011 for the offences punishable under sections 419, 420, 406, 506, 364, 302/34
of the Indian Penal Code. Learned counsel for the petitioners, with reference to the

allegation set out in the F.I.R by the informant, submits that a plain reading thereof manifests that the entire allegation is directed against one Markandey Singh who happens to be the father of the petitioners. It is stated that the informant has Patna High Court Cr.Misc. No.34835 of 2011 (3) dt.19-01-2012 2 specifically alleged that the said Markandey Singh had not only taken money for securing her appointment but also took Rs.15 lakh in respect of a land deal, which never materialized and the said Markandey Singh also did not return the money. It is stated that following the dispute, a Panchayati was conducted and which also did not resolve the dispute. Learned counsel submits that it is in this connection that the petitioners have been involved in as much as they had also participated in the Panchayati. It is stated that following the said altercation, the headless dead body of the husband of the informant was found. With reference to paragraph nos.99 and 100 of the case diary, it is stated that the knife said to have been used in the crime was recovered and one Hari Narain Ram has confessed to the crime committed at the behest of said Markandey Singh. Learned counsel thus submits that in absence of any direct or indirect evidence against the petitioners, they have been taken into custody merely on account of the fact that they happen to be the sons of said Markandey Singh. The prayer for bail is opposed by learned counsel for Patna High Court Cr.Misc. No.34835 of 2011 (3) dt.19-01-2012 3 the State and learned counsel appearing on behalf of the informant, who submits that there are sufficient materials which have come during the course of investigation which connects the petitioners with the crime. Regard being had to the submissions of learned counsel and having considered the materials on record, let the petitioners, (1)Ashok Kumar alias Ashok and (2) Dilip Kumar be released on bail upon each one of them individually furnishing bail bonds of Rs.10,00/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sasaram in connection with Sasaram (Model) P.S.Case No.508 of 2011, subject to the condition that the petitioners shall ensure their representation before the court below on each and every date fixed in the case and the failure on the part of the petitioners to ensure their representation on two consecutive dates fixed in the case without reasonable explanation to the satisfaction of the court below, would entitle the court below to cancel the bail bonds of defaulting petitioner(s) and to take him into custody. ahk (Jyoti Saran, J.)

