

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42399 of 2014

Arising Out of PS.Case No. -230 Year- 2014 Thana -KANKARBAGH District- PATNA

Nitin Kumar @ Nitin Kumar Verma @ Nitin Verma, son of Kedar Nath Verma, resident of village Hathsarganj, P.S. Nagar Hajipur, District Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad, Advocate
For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha (APP)
Mr. Bisnudeo Singh, Advocate
Mr. Kundan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 21-01-2015 Heard learned counsel for the petitioner, Sri Bal Mukund Prasad Sinha, learned Additional Public Prosecutor as well as Sri Bisnudeo Singh, learned counsel, who was assisted by Sri Kundan Kumar Singh, learned counsel, who has voluntarily appeared in this case on behalf of the informant.

The petitioner, who is in custody in connection with Kankarbagh P.S. Case No. 230 of 2014 registered for the offence under Section 302, 201 / 34 of the Indian Penal Code, has prayed for grant of bail.

The F.I.R. was lodged by the father of the deceased. As per the F.I.R. son of informant died due to drowning at the time while he was taking bath in river Ganga. It was claimed that the son of the informant had gone out of his house in the morning and

since he did not return search was made and subsequently, on suspicion the petitioner and one another were made accused.

In this case earlier case diary was called for.

Learned counsel for the petitioner submits that in this case there is no eye witness to the occurrence. However, it was argued that it can hardly be a case of last seen with the deceased.

On the contrary, learned counsel for the informant has opposed the prayer of bail. He submits that till date dead body of the deceased has not been recovered. He further submits that as per telephone details it is specific case against the petitioner.

The court is of the view that since there is no eye witness to the occurrence and it is a case of last seen with the deceased, the petitioner deserves to be enlarged on bail. Accordingly, the petition stands allowed.

Let the petitioner Nitin Kumar @ Nitin Kumar Verma @ Nitin Verma be enlarged on bail on furnishing bail bond of Rs. 10,000 /-(Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Khayati Singh, learned Judicial Magistrate 1st Class, Patna in connection with Kankarbagh P.S. Case No. 230 of 2014.

(Rakesh Kumar, J)

Praful/-

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