

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39280 of 2018

Arising Out of PS.Case No. -298 Year- 2017 Thana -SINGHESHWARASHTHAN District -
MADHEPURA

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Nikesh Kumar @ Rinku S/o Vivek Prasad Yadav @ Vivek Yadav, R/o
Vill.- Satokhar Ward No.11, P.S.- Singheshwar , Distt.- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Parmeshwar Mehta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
02.02.2018 in connection with Singheshwar P.S. Case No. 298 of
2017 for offences punishable under Sections 302/461/379/34 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his brother Kishan Kumar who owned a mobile shop at
Dhanyawad Chowk went after food to his shop in the night. When
he did not arrive in the morning, the informant went and found his
brother Kishan Kumar lying dead in a pool of blood. It is alleged
that one Bikash Mandal and Guddu Choudhary with whom his



brother had inimical terms must have killed him.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated in the aforesaid case only on the basis of confessional statement of one co-accused Bikash Mandal. He submits that just because some items from the shop of the deceased was found in an unfinished house of the petitioner that he has been made accused. He submits that co-accused Bikash Mandal on whose confessional statement the petitioner has been made accused has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 16047 of 2018 dated 14.05.2018. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with



Singheshwar P.S. Case No. 298 of 2017, subject to the conditions that:

(1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/Priyanka

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