

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62249 of 2018

Arising Out of PS. Case No.-53 Year-2018 Thana- PIPRAKOTHI District- East Champaran

Arvind Kumar S/o Shital Sah, R/o Vill.- Chandrahiya, P.S.- Muffasil
Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 302, 120B of the
Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 14.04.2018 submitted by Jamdar Ram to the Station
House Officer, Piprakothi Police Station to the effect that on
13.04.2018, at about 8.00 P.M., the son of the informant namely
Alok Kumar went outside the house on Pulsar motorcycle, but did
not return till next morning. In the morning at 7.00 A.M., the elder
son of the informant conveyed that his father-in-law has conveyed
that dead body of his brother Alok Kumar is lying in a wheat crop
field near N.H. 28 and the motorcycle is parked there. After being
received such information, the informant along with his family



members and villagers reached to the place of occurrence and thereafter on the order of SHO Piprakothi, the dead body was taken to Sadar Hospital for post-mortem. Though the FIR was registered against unknown, but the name of the petitioner sprang up on the confession of co-accused, Amit Kumar.

It is submitted by learned counsel for the petitioner that the petitioner has been roped in in the present case only on the confessional statement of co-accused, Amit Kumar, who has been granted regular bail by a co-ordinate Bench of this Court, vide Criminal Miscellaneous No. 62828/2018, whereas, co-accused Munna Kumar has also been granted regular bail vide Criminal Miscellaneous No.62473 of 2018. It is further stated that except the confessional statement of the co-accused, Amit, no evidence has been collected against the petitioner during investigation. During investigation, it transpired that the victim was in love affair with one Munita Kumari, daughter of Raj Mangal Ram (father-in-law of deceased's elder brother). Co-accused, Amit Kumar was also in love affair with her and in that background, the victim was killed as the said love affair was being opposed by Raj Mangal Ram. Moreover, there is no eye witness to the occurrence. A statement has been made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

Learned counsel for the informant submits that co-accused, Amit has named the petitioner.

It is submitted by learned APP for the State after going through the case diary that except the confessional statement of the co-accused, Amit Kumar, no plausible evidence has been collected against the petitioner during investigation.

Considering the fact that co-accused Amit Kumar on whose confession, the petitioner has been roped in in the present case has been granted regular bail, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran, Motihari, in connection with Pipra Kothi P.S. Case No.53 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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