

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2099 of 2019

Arising Out of PS. Case No.-276 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

Rakesh Kumar Sinha, aged about 21 years, Son of Dilip Kumar Sinha @ Dilip Kumar Prasad, Resident of Mohalla - Kaluara, Hospital Road, Police Station-Laheriasarai, District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha
For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 16-01-2019 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 01.06.2018 in a case initially registered for the offences punishable under Sections 364 and 379/34 of the IPC, subsequently Section 302 IPC was also added.

The prosecution case, as per the written report of Lal Babu Prasad, dated 30.05.2018, submitted to the Station House Officer, Laheraisarai Police Station, is to the effect that on 28.05.2018, someone called on the mobile phone of the informant's son, Rahul Kumar and asked him to provide an ambulance, who used to run the ambulance service, but due to non-availability of the ambulance, the caller, who disclosed his name as Suraj, asked him to provide even other vehicle and consequently, the son of the informant supplied him a Scorpio



vehicle with a driver, Chaitu Das. For some time after providing him the vehicle, the driver was in contact with the son of the informant, but thereafter, the phone of the driver could be not connected, as a result, the FIR was registered against the caller's mobile number under Sections 364 and 379/34 IPC, subsequently on recovery of dead body of the said driver, Section 302 IPC was added. During investigation, the name of the petitioner sprang up on the confession of co-accused Pankaj Kumar.

It is submitted by learned counsel for the petitioner that except the confession of co-accused Pankaj Kumar, there is nothing against the petitioner and there is no recovery of the said vehicle from the possession of the petitioner. It is further submitted that admittedly, there is no eye-witness to the occurrence and only on the basis of suspicion, the accusation has been levelled against the petitioner. Moreover, similarly situated co-accused persons have been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. Nos. 53513, 51373 and 50583 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang



up on the confession of co-accused, Pankaj Kumar.

Considering the period under custody, coupled with the 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 bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 4th Additional District Judge, Darbhanga in connection with S.T. No. 465 of 2018, arising out of Laheraisarai P.S. Case No. 276 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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