

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11996 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- HARNAUT District- Nalanda

Gore Lal @ Paritosh Kumar, aged about 26 years, Gender-Male, Son of Late Baldeo Prasad, Resident of Village-Hasanpur, P.S.- Harnaut, District – Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary

For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 06.06.2018 in a case registered for the offences punishable under Sections 365, 364, 302, 201 and 120B/34 of the Indian Penal Code.

The prosecution case as per the written report of Nitish Kumar submitted to SHO, Harnaut Police Station is to the effect that on 29.05.2018, the brother of the informant Rakesh Kumar went to the Punjab National Bank to withdraw some money and after withdrawing the money, he went back to his residence at Patel Nagar, Harnaut where the petitioner and the co-accused Diwakar Kumar were present from before. In the meantime, co-accused Manish Kumar came and took the brother



of the informant on motorcycle towards the Railway Station. Thereafter, on search being made, and the informant learnt that at 4.00 P.M., one Deepak Kumar, brother in law of co-accused, Diwakar Kumar was also seen with brother of the informant along with co-accused Diwakar and Rakesh Kumar, thereafter, co-accused Manish Kumar also went there and after that there was no information about the brother of the informant. It is further alleged that when call was made on the mobile phone of the brother of the informant, it was found switched off. Subsequently, the brother of the informant was found dead and subsequently Section 302 of the IPC was added.

It is submitted by learned counsel for the petitioner that FIR has been lodged against co-accused Manish Kumar, Chandan Kumar and Diwakar Kumar and the name of the petitioner sprang up on the confessional statement of co-accused Diwakar Kumar. It is further submitted that the co-accused Diwakar Kumar has illicit relationship with daughter of the petitioner, hence he named the petitioner and similarly situated co-accused have been granted bail by different Co-ordinate benches of this Court vide order dated 28.01.2019 and 20.12.2018 passed in Cr. Misc. No. 69850 and 77034 of 2018 respectively. A statement has been made in paragraph no. 3 of the petition



that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up on the confessional statement of co-accused Diwakar Kumar.

Considering the fact that the name of the petitioner sprang up on the confessional statement of co-accused, Diwakar Kumar and investigation have already being concluded, 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **ACJM-VIth, Nalanda, Bihar Sharif** in connection with **Harnaut P.S. Case No.156 of 2018**.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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