

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24201 of 2019

Arising Out of PS. Case No.-214 Year-2018 Thana- FATEHPUR District- Gaya

KAUSHAL KUMAR, aged about 23 years, Male, S/o Chhatardhari Yadav,
R/o village- Kodia, P.S.- Fatehpur (O.P. Gurpa), District- Gaya
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Sheo Kumar Prasad, Adv.
For the Opposite Party : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
03.12.2018 in connection with Fatehpur P.S. Case No. 214 of
2018 for the offences alleged under Sections 302, 201 and 34 of
the Indian Penal Code.

The prosecution case, as lodged by the police, is that
during patrolling duty he got information that a dead body is
lying in the well. The dead body, along with a child, was taken
out from the well.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and
not named in the first information report. He submits that
during the course of investigation it came to surface that the
deceased was the second wife and child of one Sanjeev and the



petitioner is the brother of the first wife of Sanjeev, hence, he has been falsely implicated. He submits that the father of the first wife has been granted the privilege of pre-arrest bail by a coordinate Bench of this Court vide Cr. Misc. No. 78989 of 2018, dated 22.01.2019, the petitioner has been made accused only on suspicion, there being no eye witness to the alleged occurrence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Fatehpur P.S. Case No. 214 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, X, Gaya, or the successor Court subject to the following conditions :

(i) 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.

(ii) 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)

Shamshad/-

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