

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22959 of 2019

Arising Out of PS. Case No.-706 Year-2018 Thana- HILSA District- Nalanda

Chandan Kumar, Son of Arjun Yadav, Resident of Village- Khajurar, P. S.-
Bhadaur, District- Patna. At present Resident of Village- Laheria Pokhar, P.S.-
Barh, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Rina Sinha

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
31.12.2018 in connection with Hilsa P.S. Case No. 706 of 2018
for offences punishable under Sections 302, 201, 34 of the
Indian Penal Code and 27 of the Arms Act.

The prosecution case as lodged by the informant is
that his nephew Ajay Kumar who works in the clinic of doctor
Nikki Kumari did not reach home as informed by his sister
Renu Devi who had a talk with the doctor Nikki Kumari who
said that the said Ajay Kumar (deceased) has slept in the clinic.
It is alleged that Dr. Nikki Kumari along with her partner doctor
Mithilesh Kumar and another doctor must have killed his



nephew who was found dead the next day in the village.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and his name surfaced during course of investigation. He submits that because of the highhandedness of the police, the petitioner has been accused on mistaken fact and the confessional statement of the petitioner before the police has no evidentiary value in the eye of law. It is further submitted that in order to save some persons with high-status, the petitioner has been made accused in the present case and a concocted story of enmity with the deceased who was his brother-in-law (Sala) and property dispute, the petitioner has been made accused. He submits that charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

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

Considering the nature of allegations, materials on record and that the petitioner bears a clean antecedent as stated in para-3 of the present application, let the 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 the learned Additional Chief Judicial Magistrate,



Hilsa (Nalanda) in connection with Hilsa P.S. Case No. 706 of 2018, subject to the conditions:-

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

(2) The 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/-

U		T	
---	--	---	--

