

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23024 of 2019

Arising Out of PS. Case No.-265 Year-2017 Thana- ASHTHAWAN District- Nalanda

Mukesh Kumar, age 26 years, Gender-Male, Son of Sri Arjun Yadav,
Resident of Village – Ganjpar, P.S-Harnaut (Gokulpur), District-Nalanda.
.. ... Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 02-05-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

Informant is Chowkidar who has alleged in his written complaint that on receiving information that a dead body is lying near the railway line, he informed the police station and reached the place of occurrence where he found that dead body of a person aged between 22 to 25 years was lying. The dead body could not be identified by the villagers and nearby persons and after taking photograph, it is alleged that he has been killed by some unknown persons by firing. The dead body of unknown person was identified subsequently by his father and he gave the mobile number which was being used by his deceased son and from said mobile number it was found that on the date of



occurrence, he had conversation with two mobiles number one belonged to the petitioner and other belonged to a girl. The girl has admitted in her statement before police that both mobiles were being used by her. Petitioner has been implicated on the basis of CDR and except said CDR, there is no any incriminating material against the petitioner. Petitioner was never seen in the company of the deceased at any point of time by anyone.

Earlier the bail application of the petitioner was rejected by order dated 04.10.2018 as contained in Annexure 1 with a liberty to the petitioner to renew his prayer for bail after one year in custody.

Informant has vehemently opposed the prayer for bail of the petitioner and has submitted that witnesses are being threatened in this case, as such, petitioner should not be granted privilege of bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Asthawan P.S. Case No.265/2017, with following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case or if he threatens the witnesses, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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

