

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29946 of 2019**

Arising Out of PS. Case No.-201 Year-2018 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Kanhiya Kumar Son of Mahendra Tanti Resident of Village- Manjhaul (Rajan Gachhi Tola), P.S.- Cheribariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 29.10.2018 has filed the instant application for grant of bail in connection with Cheriya Bariyarpur P.S. Case as No. 201 of 2018 registered for the offence punishable under sections 302,120B and 34 of the Indian Penal Code.

As per the allegation in the FIR, the informant states that on 23.10.2018 at about 9.00 P.M. Kanhiya Kumar (the petitioner) came to his house and called his second son Md. Saddam and went with him where after he did not return. It is further stated that on the next morning at 5.30 A.M dead body of his son was recovered. It is further stated that she is convinced that the petitioner and two other unknown accused persons strangled his son to death.

It is submitted by learned counsel for the petitioner



that even from the allegation in the FIR it is a case of last seen. It is further submitted that it is surprising that when the informant is admittedly not an eye-witness to the occurrence as to how she has made statement in the F.I.R to the effect that it was the petitioner and two other accused persons who had strangled his son. It is submitted that the petitioner has no criminal antecedent and is in custody since 29.10.2018.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that it is a case of last seen, petitioner has no criminal antecedent and is in custody since 29.10.2018, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheriabariyarpur P.S. Case No. 201 of 2018.

(Partha Sarthy, J)

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