

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3630 of 2020

Arising Out of PS. Case No.-308 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

Pradeep Seth, Son of Mohan Seth Resident of Village - Amaon, P.S.-
Chainpur, District - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-05-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The present application has been preferred for grant of bail in a case registered for the offences punishable under Sections 279, 304A, 302, 201, 392, 411 and 328/34 of the IPC.

The prosecution case, as per the written report of Chaukidar Pradeep Kumar, submitted to the S.H.O., Kudra Police Station is to the effect that on 03.10.2019 at about 5 A.M. during duty hours, the informant received an information that on N.H.-2, one unknown person has been crushed by a vehicle. Subsequently, the informant went to the place of occurrence and tried to get the dead body identified, but it could not be



identified as a result, the FIR was lodged against unknown persons. Subsequently, one Vakil Ram submitted an application before the I.O. that the dead body was of his son Prem Kumar, who was kidnapped. Consequently the mobile phone of the victim Prem Kumar was recovered from the house of co-accused Ram Jatan Bind, who suggested that he purchased the same from co-accused Pintu Kesri, thereafter, co-accused Pintu Kesri was apprehended and he confessed his guilt and stated how the victim Prem Kumar was killed but it was given a shape of road accident with the assistance of other co-accused persons. Firstly they administered poison to the victim and thereafter they snatched Rs. 30,000/- from him. The name of the petitioner sprang up on the confession of Pintu Kesri, who suggested that he used to sell robbed jewellery and other articles to the petitioner, being a jeweller.

Learned counsel for the petitioner submits that only on the basis of confession of co-accused Pintu Kesri, the petitioner has been roped in the present case. It is further submitted that there is no recovery from the conscious physical possession of the petitioner, particularly, robbed articles of the victim. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case in which



he is on bail. The petitioner is languishing in custody since 20.11.2019 and the investigation has already been concluded.

Mr. J.N Thakur, learned counsel for the State submits that co-accused Pintu Kesri stated in his confession that he used to sell robbed jewellery and other articles to the petitioner.

Considering the fact that there is no recovery from the conscious physical possession of the petitioner, name of the petitioner sprang up on the confession of co-accused person who specifically suggests that the petitioner did not participate in the commission of the alleged offence and the investigation being already concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Kudra P.S. Case No. 308 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be



confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Kudra P.S. Case No. 308 of 2019.

The learned Court below will be at liberty to further extend the period of provisional bail further if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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