

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9896 of 2020

Arising Out of PS. Case No.-177 Year-2019 Thana- CHAUSA District- Madhepura

Abhishek Kumar @ Mantu, Male, aged about 30 years, Son of Siyaram Singh
Resident of Village - Fulobass, Ganoul, Ward No. -13, P.S.- Puraini, District-
Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-06-2020

The petitioner, who is in custody since, 05.09.2019 seeks bail in connection with Chausa P.S. Case No. 177 of 2019 *vide* S. Tr. No. 309 of 2019, dated 19.06.2019, instituted for the offence under Section 365 of the Indian Penal Code and added offence Under Sections 302, 201, 120 B/34 of the Indian Penal Code.

A case was registered by the father of the deceased regarding his son (Rupesh Kumar/deceased) going missing. The FIR was registered against unknown. It appears that during the course of the investigation, the dead body was recovered and was identified by the informant to be that of his son.

The materials against the petitioner as disclosed in



the impugned order are that from the room of the deceased, a diary was recovered in which a love letter was found which was allegedly written by one Kajal Kumari who is the wife of the petitioner. There was also some reference of money which was lent to the deceased.

On the basis of the aforesaid materials, a theory was developed that the deceased has been killed because of his illicit relationship with the wife of the petitioner and also perhaps for monetary dispute. Apart from this, the other material is in the shape of call detail report of the telephone number of the deceased and the confession of the petitioner.

Learned counsel for the petitioner submits that his confession has been extracted after a lot of coercion and force and is not his voluntary statement. There is no legal evidence against the petitioner.

Regard being had to the nature of accusation against the petitioner, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Madhepura in connection with in connection with Chausa P.S. Case No. 177 of 2019 *vide*



S. Tr. No. 309 of 2019.

However, the petitioner is directed to be present in the trial proceedings and his unauthorized/unexplained absence on two consecutive occasions from the trial proceedings would render his bail liable to be cancelled.

GAURAV S./-

(Ashutosh Kumar, J)

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