

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19587 of 2020

Arising Out of PS. Case No.-51 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RISHIKESH KUMAR, aged about 18 years, Gender-Male, Son of Aklesh
Jha, Resident of Village- Kamla, P.S.- Cheria Bariarpur, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ratan Kumar Sinha, Advocate.
For the Opposite Party : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences under Sections 302, 201 and 120(B)/34 of the IPC.

The prosecution case, in short, is that the husband of
the informant was running tailoring shop and he did not return
home on 11.04.2019 after closing the shop. In the next morning,
co-accused Dashrath Malakar made call on the phone of the
deceased. It is also alleged that prior to the occurrence, there



was dues of stitching expenses against Dashrath Malakar. Therefore, the informant was of the opinion that co-accused Dashrath Malakar might have committed murder of her husband with the help of unknown culprit. On 14.04.2019, dead body of the deceased was found lying in the Maize field at *Kiya Bahihar*.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.02.2020. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. There is no recovery of any incriminating article from possession of the petitioner. The petitioner has not been put on T.I. Parade. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Other co-accused persons have been granted bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 65604 of 2019 under order dated 17.12.2019 and Cr. Misc. No. 73790 of 2019 under order dated 06.03.2020.

On behalf of the State, it is submitted that the



petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of learned A.C.J.M. Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 51 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

(Sudhir Singh, J)

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