

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19744 of 2020

Arising Out of PS. Case No.-42 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RISHIKESH KUMAR Son of Aklesh Jha Resident of Village- Kamla, P.S.-
Cheria Bariarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratan Kumar Sinha, Adv.
For the Opposite Party/s : Mr.B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 07-09-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Cheria Bariarpur P.S. Case
No.42 of 2019 registered under Sections 302 and 201 of the
IPC.

The mother of the deceased disclosed in her fardbeyan
that her son left his house on 24.03.2019 to bring his niece.
When the younger sister of the deceased rang him at about
10:00 in the night, the mobile of the deceased was found
switched off. On 28.03.2019 the informant got information
about recovery of a dead body. She identified the dead body as
of her son. The F.I.R. was registered against unknown.

Learned counsel for the petitioner submits that the
name of the petitioner figured in the case in the statements of



Raja Kumar and Rohit Kumar. It is further submitted that Raja Khan was arrested and he confessed his guilt in para 24 of the case-diary but other accused persons, namely, Anurag Kumar @ Anurag Kumar Yadav, Ganesh Paswan, Laxman Paswan and Raja Khan @ Guddu have already been granted bail by different benches of this court vide orders passed in Cr.Misc.No.58178 of 2019, Cr.Misc.N.61712 of 2019, Cr.Misc.No.71916 of 2019 and Cr.App.(SJ).No.5599 of 2019. The case of the petitioner stands on the same footing as that of other accused persons. Thus, the petitioner deserves bail.

Learned A.P.P. opposed the prayer for bail and submitted that it is not the fact that the name of the petitioner firstly surfaced in the confessional statement of co-accused Raja Khan in para 24 of the case-diary but two witnesses, namely, Raja Kumar and Rohit Kumar made their statements in para 19 and 20 of the case-diary and they have categorically stated that on 24.03.2019 they have seen the deceased in the company of the petitioner and other accused persons, who were passing through the poultry farm of Ganesh and after four days, they heard about recovery of dead body of Raushan Kumar Sahani from a field.

Perused the records. The F.I.R. was lodged on



28.03.2019 after recovery of the dead body of Raushan Kumar Sahani. The mother of the deceased disclosed that her son went to the house of his sister to bring his niece. The witnesses, namely, Raja Kumar and Rohit Kumar disclosed in the statements recorded in para 19 and 20 of the case-diary that they have seen the deceased on 24.03.2019 and after four days they heard about recovery of dead body of Raushan Kumar Sahani from a maize field. It appears that the witnesses saw the deceased in the company of the petitioner four days before the recovery of dead body. The other similarly situated accused persons have already been granted bail by different benches of this court. The case of the petitioner stands on the same footing.

Having considered the facts aforesaid, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Manjhaul, Begusarai in connection with Cheria Bariyarpur P.S. Case No.42 of 2019.

(Prabhat Kumar Jha, J)

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