

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26271 of 2020**

Arising Out of PS. Case No.-519 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Krishna Kumar @ Krishna Kumar Ram S/o Heeralal R/o - Vill- Ulow,
Sharma Tola, P.S.- Mufassil, Dist- Begusarai. Petitioner
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 10-12-2020 Heard learned counsel for the petitioner and Mr.
Satyendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mufassil P.S. Case No. 519 of 2019 registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant received a call from one Bablu Kumar that his nephew namely Prince @ Lalu Kumar had been murdered and thrown in the bamboo orchard. On receiving this information the informant informed his brother and thereafter his brother and other family members went to the place of occurrence and found Prince @ Lalu Kumar dead. The police officials from Singhaul came and took the body in their custody and sent for post mortem at Sadar Hospital, Begusarai. The informant suspected Dheeraj Thakur,



Bablu Sah, Shyam Sah and Bablu Yadav as murderers of his nephew because he always used to protest their liquor business.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on mere suspicion. Learned counsel submits that except the confessional statement of the petitioner there is no material against him. It is submitted that similarly situated co-accused Aman Kumar and Barun Kumar have already been granted bail by learned Co-ordinate Benches of this Court in Cri. Mis. No. 84836 of 2020 and 26945 of 2020 respectively and the petitioner having no criminal antecedent has remained in jail in connection with case for over one year.

Mr. Satyendra Prasad, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that except the confessional statement of the petitioner there is no material against him in connection with this case and his implication is on mere suspicion as also that similarly situated co-accused Aman Kumar and Barun Kumar have already been granted bail by learned Co-ordinate Benches of this Court in Cri. Misc. No. 84836 of 2019 and Cri. Misc. No.



26945 of 2020 respectively and further that the petitioner has otherwise no criminal antecedent, he has remained in jail in connection with this case since 20.11.2019, the trial is not likely to be concluded in near future and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Mufassil P.S. Case No. 519 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

