

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73072 of 2019

Arising Out of PS. Case No.-421 Year-2014 Thana- BIHTA District- Patna

VIKASH KUMAR, aged about 32 years, Male, Son of Lal Mohan Singh @
Lal Mohan Sharma, Resident of village- Sikandarpur, P.S.- Bihta, District-
Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Satish Chandra, Adv.
For the Opposite Party : Mr. Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks bail in connection with S. Tr. No.
112B of 2016 arising out of Bihta P.S. Case No. 421 of 2014,
registered under Sections 364, 302, 201 and 120B of the Indian
Penal Code.

The accusation is that on 24.06.2014, the informant,
Shiv Janam Singh, was in village Chulhai Chak at the house of
his relation, late Kamta Singh, in the late evening Mantu Kumar,
Kanhai Singh and Suraj Kumar proceeded for marriage
ceremony boarding on motorcycle. When they reached near the
orchard in village Mahuari, then, in the way a Bolero vehicle
came and over-taken the motorcycle. Thereafter, seven persons
named in the first information report, including the petitioner,
got down from the Bolero and forcibly pulled to Mantu Kumar



from motorcycle and boarded him on the Bolero and instead of raising alarm by Kanhai Singh and Suraj Kumar, they carried Mantu Kumar in Bolero vehicle in fast speed. Regarding the occurrence, Suraj Kumar informed the informant on mobile, thereafter, informant, Kanhai Singh and Suraj Kumar started search of Mantu Kumar, but, no trace was found. After two days, i.e., on 26.06.2014 in the morning police came and informed about lying the dead body of Mantu Kumar. The informant raised suspicion having hand in the murder of Mantu Kumar by the aforesaid person.

Submission is that while it is alleged in the first information report that Kanhai Singh and Suraj Kumar, who were with the deceased, Mantu Kumar, had seen the occurrence and identified seven culprits, including the petitioner, but, during trial, i.e. in S. Tr. No. 112B of 2016, Kanhai Singh and Suraj Kumar have stated that due to darkness in the night, they could not identify any culprits. Both have been examined in course of trial as P.Ws. 1 and 2 in the Court of the Additional Sessions Judge, II, Danapur, Patna. The petitioner is in custody since 25.03.2019 and similarly situated co-accused, Sonu Kumar, has already been allowed the privilege of bail vide Cr. Misc. No. 41378 of 2019 on 20.09.2019



Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 112B of 2016 arising out of Bihta P.S. Case No. 421 of 2014 to the satisfaction of the Additional Sessions Judge VI, Danapur, Patna, subject to the conditions that out of two bailors, one must either be parent or close relative of the petitioner and the petitioner will appear in the Court below on each and every date and if the petitioner could not appear on two consecutive dates, without any cogent reason, then, his bail bond will be cancelled by the Court below itself.

(Rajendra Kumar Mishra, J)

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