

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76978 of 2019

Arising Out of PS. Case No.-186 Year-2019 Thana- DIGHWARA District- Saran

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KANHAIYA KUMAR Son of Jitendra Prasad Rai Resident of Village -
Purani Pahleja (Sahur Diyara), P.S.- Sonepur, Distt.- Saran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular bail in connection with Dighwara P.S. Case No. 186/2019 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that in the First Information Report itself the informant has stated that the two co-accused namely Rohit Kumar and Dipak Kumar had come to the house of the informant and asked his son (the deceased) to take them on motorcycle to a particular place and thereafter the dead body of the son of the informant was found. Learned counsel submits that this petitioner is not named in the F.I.R. and that this petitioner is said to have been seen along with the co-accused by some of the witnesses but there is no eye witness to the alleged occurrence. Learned counsel further submits that in course of investigation it has also come that the deceased has an



affair with the sister of the co-accused Dipak Kumar and for that reason he was allegedly killed, the petitioner is in custody since 09.07.2019 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that in the F.I.R. itself the informant has stated that the two co-accused namely Rohit Kumar and Dipak Kumar had come to the house of the informant and asked his son (the deceased) to take them on motorcycle to a particular place and thereafter the dead body of the son of the informant was found, this petitioner is not named in the F.I.R. and in course of investigation save and except that this petitioner is said to have been seen along with the co-accused by some of the witnesses but there is no eye witness to the alleged occurrence and further submission that in course of investigation it has also come that the deceased had an affair with the sister of the co-accused Dipak Kumar and for that reason he was allegedly killed, the petitioner is in custody since 09.07.2019 having no criminal antecedent, let the above-named petitioner be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, Chapra, in connection with Dighwara P.S. Case No. 186/2019, subject to the condition as laid down under Section 437(3) 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.

(Rajeev Ranjan Prasad, J)

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