

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23018 of 2021

Arising Out of PS. Case No.-173 Year-2019 Thana- NAGARNAUSA District- Nalanda

Sanjeet Kumar Son of Mithilesh Kumar @ Mithilesh Prasad @ Mutur
Resident of Village- Salempur, P.S.- Nagarnausa, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Nagarnausa P.S. Case No. 173 of 2019 instituted for the
offences under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.03.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that he along with his son
Kamlesh Kumar (deceased) and nephew Nilesh Kumar were
working at their *khalihan* and when they returned to their home
in the evening one Sanjeet Kumar (petitioner) and Sunil Kumar



came to the house of the informant at about 7.00 pm and asked his son to accompany them and when the son did not return to the house in the night, the informant went to the house of Sanjeet Kumar to verify about the whereabouts of his son but his father Mithilesh Kumar said that he has not come back to his house. It is further alleged that on 29.12.2019 a villager Gorka came to the house of the informant and informed that his son has been killed by unknown persons and accordingly he went to the place of occurrence where he saw the dead body of his son whose throat was slit accordingly it is alleged based on suspicion that the named accused persons have killed the son of the informant.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that there is nothing in the F.I.R. to even remotely suggest that there was any enmity between the petitioner and the son of the deceased, the only allegation is that this petitioner along with Sunil had asked the son of the deceased to accompany him. Learned counsel for the petitioner further submits that even the confessional statement of Sanjeet Kumar has not been recorded and merely based on suspicion that he was the person who had asked the deceased to accompany him,



has been implicated in the present case.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 16.03.2020, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanda in connection with Nagarnausa P.S. Case No. 173 of 2019.

(Satyavrat Verma, J)

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