

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22603 of 2021

Arising Out of PS. Case No.-238 Year-2019 Thana- GURUA District- Gaya

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MITHUN KUMAR Son of Raj Kumar Mistry Resident of Village- Asani,
P.S.- Guraru, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Gurua P.S. Case No. 238 of 2019 registered for the offences punishable under Sections 302, 201/34 of the IPC.

According to prosecution case, the informant's son was working as compounder in the hospital of Dr. Kamta Kumar Singh and Sunil Kumar and Manoj Kumar also worked in the same hospital. On 20.10.2019, dead body of informant's



son was found. The informant suspected that her son was killed by Dr. Kamta Kumar Singh, Sunil Kumar and Manoj Kumar.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner came in confessional statement of co-accused Vikash Kumar @ Vikash Kumar Choudhary. Learned counsel further submits that co-accused Arun Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 04.10.2021 passed in Cr. Misc. No. 14366 of 2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail on the basis of case diary. He further submits that sufficient material has come against the petitioner in para 31 and 61 of the case diary. He further submits that petitioner obtained a Sim bearing number 9060979649 which was used in the present crime. He further submits that case of co-accused Arun Kumar is on different footing as per case diary. Allegation against Arun Kumar is that he was master mind of the present crime whereas overt-act has alleged against the petitioner due to which deceased died.

Considering the aforesaid facts and circumstances as



well as submissions of the parties, I am not inclined to grant bail
to the petitioner and accordingly, the same stands rejected.

(Rajesh Kumar Verma, J)

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