

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28842 of 2020

Arising Out of PS. Case No.-420 Year-2019 Thana- SIKARPUR District- West Champaran

CHANDAN KUMAR Son of Sri Dhura Prasad @ Dhurendra Prasad Resident
of Village- Pokhariya, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 29-01-2021 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Ashok Kumar.

The petitioner seeks regular bail in connection with Shikarpur P.S. Case No. 420 of 2019, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The allegation is regarding the dead body of the son of the informant, whose head had been severed, having been recovered from an under-construction house of one Sheikh Haroon, whereafter, the FIR was lodged and the accused persons including the petitioner herein were named by the informant to be the persons, who



might have killed his son.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 14.02.2020. The learned counsel for the petitioner has further submitted that the petitioner has been roped in the present case merely on suspicion inasmuch as there is no eye-witness to the alleged occurrence. It is further submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 28.05.2020 passed in Criminal Miscellaneous No. 6418 of 2020.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-



accused person who has already been granted bail by a coordinate Bench of this Court, as also considering the fact that there is no eye-witness to the alleged occurrence and the charge-sheet has already been filed, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Shikarpur P.S.Case No. 420 of 2019.

(Mohit Kumar Shah, J)

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