

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36553 of 2020**

Arising Out of PS. Case No.-119 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

KAMLESH KUMAR Son of Lal Mohar Singh Resident of Village - Gijwahi,
P.S.- Sasaram (M), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 12-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sasaram (M) P.S. Case No.119/2020 registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

That the prosecution story in brief is that one Sikandra Singh gave his fardebyan on 26.04.2020 before S.I. of Sasaram (M) police station alleging therein that his elder son Rakesh Kumar was returning on 25.04.2020 at his house after purchasing the chicken from Chandani Chowk, in the meantime



his village Guddu Yadav saw him with chicken and then he said Rakesh Kumar to feed him chicken. It is further alleged that his son Rakesh Kumar went with cooked chicken at 10.00 pm at the boring of Guddu Yadav and did not return. It is then alleged that in the next morning the dead body of the son of informant was found in the well of Baleshwar Singh of village-Wazirganj. It is further stated that the informant claimed that his son was killed by accused Guddu Yadav.

Learned counsel for the petitioner submits that the name of this petitioner has transpired in the confessional statement of the co-accused Mantu Chaudhary, however in course of investigation when the CDR of the mobile of the Mantu Chaudhary was taken out, the investigating officer did not find any connection between the said Mantu Chaudhary and this petitioner.

Learned counsel further submits that the motive behind the alleged occurrence may at best be attributed to the co-accused who happened to be the Mausera brother of the girl with whom the deceased was in love affair and that was allegedly the reason for murder. This petitioner is said to have got clean antecedent and is languishing in jail in connection with the present case since 02.05.2020.



It is further informed that Mantu Chaudhary has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.31217/2020, similarly co-accused Pradeep Chaudhary and Munna Kumar have been granted bail in Cr.Misc.No.29780/2020.

Mr. Dayal has though opposed the prayer for bail of the petitioner but accepts that in the case diary save and except the confessional statement extracted in police custody, there is no other material particularly in form of the mobile connections between the co-accused and the petitioner.

Having regard to the aforesaid facts and circumstances of the case wherein except the confessional statement there is no other material has been brought to the notice of this Court, co-accused have been granted bail and the petitioner is in custody for more than a year, he has otherwise no criminal antecedent, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No.119/2020, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

