

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38463 of 2020

Arising Out of PS. Case No.-298 Year-2019 Thana- NARDIGANJ District- Nawada

MUKESH PRASAD, S/o Late Lakhan Mahto, R/o village - Kahuara, P.S. -
Nardiganj, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 22-02-2021 Let the defects be removed within a period of four weeks.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 365/34, 302, 201 and 120(B) of the Indian Penal Code.

Son of the informant left the house but did not return. Hence, initially, the FIR of his kidnapping was lodged with suspicion against the petitioner and others. Later on, dead body of the son of the informant was recovered and offence under Section 302 of the Indian Penal Code was also added.

The impugned order reveals that since the deceased was in talking term with the wife of the petitioner, the petitioner had strong motive for commission of the crime. The impugned



order further reveals that *Gamchha* of the petitioner was recovered from near the dead body.

Learned counsel for the petitioner submits that petitioner is in custody since 03.12.2019. The recovered *Gamchha* was not of the petitioner nor identity has been established beyond doubt.

Learned counsel for the informant submits that wife of the petitioner has also admitted that since the deceased used to talk with her that was not liked by the petitioner.

Suspicion howsoever strong may be, cannot take the place of proof and besides suspicion, there is no other material against the petitioner who has got no criminal antecedent. Investigation of the case against the petitioner is already complete. There is nothing to substantiate that the petitioner is going to tamper with the evidence.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nardiganj Police Station Case No. 298 of 2019, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the



investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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