

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1312 of 2021**

Arising Out of PS. Case No.-221 Year-2020 Thana- PIPRA District- Supaul

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Mukesh Kumar @ Mukesh Jha Son of Dharendra Jha Resident of Village-
Atalkha Belhi, Police Station- Tribeniganj, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate
For the State : Mr. Ram Anurag Singh APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 23-03-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Pipra PS Case No 221 of
2020, instituted for the offence under Sections 302 and 201/34 of
the Indian Penal Code.

On 18.08.2020 the informant has learnt that the dead
body of his son is lying on the flank of the road. The same was
recovered from a water body. The informant has raised
suspicion that the named accused persons, namely Navin Kumar
Jha, Rajan Jha and Binod Jha, along with unknown persons,
have killed his son. The motive alleged is dispute of the
deceased with co-accused, namely, Rinku Jha nearly 10 days
earlier when the said co-accused had threatened the deceased.

Learned counsel for the petitioner submits that the



petitioner has been roped in this case merely on suspicion. Some persons, during course of investigation, have stated about the victim being seen with the petitioner and others at least for three days prior to the occurrence. The depositions taken note of in the order of rejection by the learned Court below, makes it clear that they did not find any hostility, as it is stated that they were moving together. The further submissions is that the Call Details Report (for short 'CDR') which have been taken note of by the learned Court below, while rejecting the bail, at best, establishes the petitioner's connection with one of the co-accused persons, namely, Navin Kumar Jha. The material, collected during the course of investigation, taken note of in the order of rejection, does not, in any manner, support the petitioner's implication in the alleged occurrence. The petitioner is said to be in custody since 07.09.2020 and has no criminal antecedents. Even as per the statements made in the case diary, the petitioner at best is said to be one of the conspirators.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- VI, Supaul, in connection with Pipra PS Case No 221 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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