

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54717 of 2021

Arising Out of PS. Case No.-14 Year-2019 Thana- KHODAWANDPUR District- Begusarai

VIKASH KUMAR Son of Kamleshwar Yadav @ Kamleshwari Yadav
Resident of Village - Hathban (Hathwan), P.S.- Alauli, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-10-2021 Heard Mr. Umesh Kumar, learned counsel for the

petitioner and Mr. Dinesh Singh, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Khodawandpur P.S. Case No. 14 of 2019 registered for the
offences punishable under Section 364 of the Indian Penal
Code. Subsequently, the I.O. has submitted charge sheet
under Sections 302, 201 and 364 of the Indian Penal Code.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail
application of the petitioner was rejected by this Court vide
order dated 03.12.2020 passed in Cr. Misc. 24442 of 2020
with liberty to renew his prayer for grant of regular bail



after nine months.

The allegation as per the First Information Report is that on 27.01.2019 the informant received information that Motorcycle of her husband Mangal Yadav and his cloths were lying near the bank of river *Budhi Gandak*. Upon this information, the petitioner reached the place of occurrence and found articles of her husband, but he was traceless. The dead body of her husband was subsequently recovered near the river.

Learned counsel for the petitioner submits that the petitioner has been implicated in this case on the basis of statement made by one Durgesh Kumar who disclosed that Mobile No. 6201897057 was being used by the petitioner for the purpose of conversation with the wife of the deceased. Learned counsel further submits that the Police has implicated the petitioner on the basis of statement made by Durgesh Kumar who is owner of the Mobile number and the confessional statement of the petitioner allegedly made by the Police. Learned counsel also submits that there is no other material against the petitioner except his confessional statement and the statement of Durgesh Kumar. Learned



counsel next submits that while rejecting the bail application of the petitioner earlier, this Court had granted liberty to renew his prayer for bail after nine months if the trial does not show any progress. Learned counsel next submits that yesterday the charge sheet has been framed against the petitioner.

This Court by an order dated 22.9.2021 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned I/C. S.D.J.M. Manjhaul (Begusarai) vide letter dated 04.10.2021 is on record and from perusal of the same, it appears that the case has been committed to the court of Session.

Having heard learned counsel for the parties and taking into consideration the fact that the trial has not shown any progress and only charge against the petitioner has been framed, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional



Judicial Magistrate, Manjhaul (Begusarai), in connection with Khodawandpur P.S. Case No. 14 of 2019 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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