

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40706 of 2020

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

Mithun Kumar Son of Dinesh Prasad Resident of Village- Kahuara, P.S.-
Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajeev Nayan, Adv.
For the State	:	Mr. Umeshanand Pandit, APP
For the Informant	:	Mr. Birendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Nardiganj P.S. Case No. 298 of 2019 registered for the offence under Sections 302, 201, 120(B) of the Indian Penal Code.

As per the prosecution case, on 27-11-2019 at about 6:30 PM, the son of the petitioner 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 informant's son was recovered and offence under Section 302 of the Indian Penal Code was also added in the FIR.

It is submitted on behalf of petitioner that save and except suspicion, neither any incriminating material has been collected against petitioner to connect him with the alleged



offence nor any motive has been alleged against him for committing murder of informant's son. It is further submitted that similarly situated co-accused namely Mukesh Prasad has already been granted bail by this Court, vide order dated 22-02-2021 passed in Cr.Misc. No. 38463 of 2020. Petitioner is in custody since 04-07-2020, having no criminal antecedent. Chargesheet has already been submitted.

Learned A.P.P. as well as counsel for the informant have opposed the bail application. It is submitted on behalf of the informant that petitioner is named in the FIR and strong suspicion has been raised against him and during course of investigation, co-accused has named this petitioner in the confessional statement.

However, considering the aforesaid facts and circumstances and the fact that save and except suspicion, there is nothing against this petitioner, the bail application of petitioner is allowed. Let the above named petitioner 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 Sri Rajeev Kumar, Judicial Magistrate 1st Class, Nawada in connection with Nardiganj P.S. Case No. 298 of 2019 on the following conditions:



“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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