

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4268 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- PHULWARIA District- Begusarai

AKHILESH KUMAR S/o Arbind Sharma Resident of Vill.- Madhupur, Naya Bajar, P.S.- Madhupur, Distt.- Deoghar, State- Jharkhand, at present residing in the house of sister situated at village- Khuthadih, P.S.- Barhiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Chandan Kumar Kashyap

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      17-06-2021                      This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioner seeks bail in Phulwaria P.S. Case No. 86 of 2020, registered for the offence punishable under Sections 363, 302, 201/34 of the Indian Penal Code.

As per the prosecution case, informant is running business of tour and travel. It is alleged that on 27.06.2020 at 6.00 pm, petitioner's brother Raja is alleged to have hired the vehicle of informant. When the driver did not return till late time, the informant tried to contact with driver but not succeeded. He suspected that vehicle might have been looted



and he closed the engine of vehicle by GPS remote lock and the vehicle stopped near Ram Prakash Singh fuel Centre, Khagaria. The informant made contact with SHO Kieul and SHO, Khagaria. The police seized the vehicle, but in vehicle none was present and there was blood spot on the door of vehicle. Later on, a dead body was found in Phulwaria PS. The police send photograph on whatsapp of the informant and he identified the deadbody as his driver Satish Kumar Yadav.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on his own confession before the police. As per the FIR, owner of mobile numbers 6200304755 and 9693279843 has been made accused, but the petitioner has no concern with the aforesaid mobile numbers and the alleged mobile number through which call was made to the informant were registered in the name of his father which was used by co-accused Raja. There is no other material against this petitioner which shows his complicity in the aforesaid crime. Petitioner is in custody since 03.07.2020 having clean antecedent as stated in para 3 of the petition. Investigation is complete.

Considering the facts and circumstances of the case,



the petitioner above-named, is directed to be enlarged 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 Chief Judicial Magistrate, Begusarai in connection with Phulwaria P.S. Case No. 86 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

**(Prabhat Kumar Singh, J)**

vinita/-

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