

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32599 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- HILSA District- Nalanda

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SANJEEV KUMAR S/O RAJ KISHOR PRASAD R/O VILLAGE
MIRJAPUR, P.S.-PARWALPUR, DISTRICT-NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-01-2022 Heard Mr. Ravi Shanker Pankaj, learned Advocate for the petitioner and Mr. Md. Iftekhar Mahmood, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Hilsa P.S. Case No. 134 of 2020 dated 16.03.2020 instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

The FIR has been registered against unknown. The dead body of the deceased was found in a pool of blood, on the next day of his having disappeared. The informant had spotted four persons taking him away.

Later, during the course of investigation, the wife of the deceased was arrested who disclosed that she had arranged for and had managed the killing of the deceased because of his intemperate behaviour towards



her. For the aforesaid purpose she had paid some money to one Rajeev Kumar. Aforesaid Rajeev Kumar, on being arrested has disclosed that after the killing of the deceased, he had called his brother viz. the petitioner to inform the wife of the deceased that he has been killed.

During the course of investigation, the only material apart from the aforesaid confession, which could be collected against the petitioner is the call detail report confirming the fact that Rajeev Kumar had called the petitioner at a particular/specified place.

Learned counsel for the petitioner has further submitted that Puja Kumari, who is the wife of the deceased and was the main player behind his killing has been granted regular bail. Rajeev Kumar, the person who was given the contract of killing the deceased has also been granted regular bail by the court below.

It has been urged that the petitioner has been made accused in this case only because he happens to be the brother of aforesaid Rajeev Kumar. Even if the accusation of the petitioner having been called by Rajeev Kumar after the occurrence is accepted to be true, it can safely be presumed that the petitioner may not have had any idea of the reason for his being called by his brother.

Considering that this is the only evidence



against the petitioner and that Rajeev Kumar has been granted regular bail by a Bench of this Court and Puja Kumari by the court below, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Hilsa (Nalanda) in connection with Hilsa P.S. Case No. 134 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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