

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25684 of 2022**

Arising Out of PS. Case No.-349 Year-2021 Thana- GAYA KOTWALI District- Gaya

ABHISHEK KUMAR Son of Arun Prasad Resident of Village - Dukhavni
Mandir, P.s.- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeswari Singh

For the Opposite Party/s : Mr.Murli Dhar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through video-conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered u/s 302 read with 34 of the
Indian Penal Code.

As per the prosecution case, the informant's son
Aditya Kumar was at his house and the co-accused Rahul
Kumar came to his house called him out and took him
somewhere. It is further submitted that the informant's son



Ayush Kumar saw that the co-accused Rahul Kumar and the petitioner Abhishek Kumar took the informant's son Aditya Kumar with them on a scooty. Thereafter, the informant came to know that the co-accused Rishi Kumar, Mayank Kumar and Monu Kumar threw the dead body of informant's son on the road and fled away.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is accused in one more criminal case which is related to theft as stated in para 3 of the bail petition. It is further submitted that the informant is not the eye witness of this case and the petitioner was not caught on the spot. The co-accused Mayank Kumar has already been granted bail by a co-ordinate Bench vide order dated 05.05.2022 passed in Cr. Misc. No.70426 of 2021. The petitioner is in custody since 17.09.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of this case, the petitioner is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand)



with two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Gaya in connection with
Kotwali P.S. Case No. 349 of 2021.

The application stands allowed.

(Chandra Prakash Singh, J)

shobhakri/-

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