

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27231 of 2022

Arising Out of PS. Case No.-253 Year-2020 Thana- MURLIGANJ District- Madhepura

Mukesh Roy Son Of Kesar Roy @ Kishor Roy R/O Village- Diwari Para,
Club Field, Ward No.-12, P.S.- Thakurganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate.

For the Opposite Party/s : Mr. Rina Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-09-2022 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 from today.

At the very outset, learned counsel for the petitioner seeks permission to make necessary correction in paragraph 14 to this application.

Permission is accorded.

Heard Mr. Radha Mohan Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Murliganj P. S. Case No. 253 of 2020 registered for the offences punishable under Sections 302, 201



read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 20.08.2020, the informant's brother Hasim Alam went to Madhepura by Inova car bearing registration No. WB06D-7732 on 21.08.2020 at about 08:30 to 09:00 A.M., the informant had talked with his brother and he is said that he had left the party at their destination and had taking tea, thereafter, the informant could not make any talk with Hasim Alam. On 23.08.2020, the informant received an information that the dead body of his brother was found by Murliganj Police Station.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown persons, however, during the course of investigation, it has come that the petitioner along with Eklabya Kumar hired the Inova vehicle of which the deceased was driver and after leaving them on their destination, the deceased had returned back. It is further submitted that in subsequent investigation the co-accused Pritam Kumar was arrested and he disclosed the name of his associates excluding the name of the petitioner in the commission of the present crime. It is next submitted that the co-accused Pritam Kumar, who confessed his involvement in the crime has already been granted bail by learned coordinate



Bench of this court in Cr. Misc. No. 26233 of 2021 vide order dated 21.12.2021. It is also submitted that the petitioner having clean antecedent, is in custody since 25.09.2021 and save and except the fact that the petitioner had hired the Inova vehicle, there is no allegation in as much as no incriminating material has been recovered from his person or possession.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation, the materials have come against the petitioner.

Regard being had to the materials available on record and taking into consideration the fact that there is no eye-witness to the alleged occurrence and save and except the suspicion, there is no other material coupled with the fact that other co-accused persons having identical allegation has also been granted bail by learned coordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P. S. Case No. 253 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-



- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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