

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37699 of 2021

Arising Out of PS. Case No.-467 Year-2020 Thana- DIGHA District- Patna

Karn Kumar @ Mental@ Karan Kumar S/o- Late Mahesh Ray R/v- Railway
Line Colony, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Advocate
For the Informant	:	Ms. Anu Priyadarshi, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State
through virtual Court proceedings.

The petitioner seeks bail in connection with Digha
P.S. Case No. 467 of 2020 instituted for the offences under
Section 363 of the Indian Penal Code and later charge-sheet
came to be submitted under Sections 363, 364, 302, 201, 120B
and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 05.09.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that
allegation in the F.I.R. is that the informant alleges that her son



Golu Kumar @ Deepak aged about 23 years went out of the house on 30.08.2020 at 11.40 pm after talking to someone on his mobile, further when the informant contacted him after half an hour he said that he will come back within ten minutes and gave his location near post-office and when he did not return, the informant again called him and his mobile was switched off. Accordingly, the F.I.R. came to be instituted for locating him on 02.09.2020.

Learned counsel for the petitioner submits that from perusal of the F.I.R. it would manifest that the F.I.R. was against unknown and in the F.I.R. it is alleged that the victim (deceased) had left his house on 30.08.2020 at 11.40 pm after talking to someone on his mobile, but the F.I.R. is completely silent with regard to the fact that with whom the victim had talked before leaving the house or he may not have informed the informant that with whom he was talking. Learned counsel submits that during the course of investigation the dead body of the victim was recovered. It is further submitted that there is no eye-witness to the occurrence and the name of this petitioner transpired in the confessional statement of Sunny who confessed his crime and disclosed before the police that this petitioner also participated in the occurrence along with him.



Learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner and submits that from perusal of paragraphs '5', '7', '8' and '9' of the case diary it would manifest that the witnesses have stated that the deceased was last seen in company of the petitioner along with two others and further that Sunny with whom the deceased was also seen, has also confessed his crime.

Learned counsel for the petitioner submits that though in the case diary the witnesses at paragraphs '5', '7', '8' and '9' have stated that the deceased was last seen in the company of this petitioner and two others but from perusal of their statement it would manifest that they also came to know through some source that the deceased was last seen in the company of this petitioner and two others as such they are not eye-witness to the fact that the deceased was last seen in the company of the petitioner and others.

Learned A.P.P. for the State also vehemently opposes the prayer for bail of the petitioner but is not able to meet the submission of learned counsel for the petitioner that none of the witnesses were an eye-witness to the fact that the deceased was last seen in the company of the petitioner and other accused persons.



Considering the fact that the petitioner is in custody since 05.09.2020, and charge-sheet has been submitted in the case let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna in connection with Digha P.S. Case No. 467 of 2020 with a condition that one of the bailors shall be the mother of the petitioner and the petitioner would be released after framing of the charge. This condition has been imposed for the reason that the petitioner has got criminal antecedents.

(Satyavrat Verma, J)

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