

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39783 of 2021**

Arising Out of PS. Case No.-368 Year-2020 Thana- BARHARIA District- Siwan

NEERAJ KUMAR Son of Rajesh Prasad Resident of Village- Sawana, P.S.-
Barharia, District- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Singh, Sr. Advocate Mr. Prashant Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Pandey, Advocate Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-04-2022 Heard learned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of the informant
and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 02.02.2021, seeks
regular bail in connection with Barharia P.S. Case No. 368 of
2020 registered for offences punishable under Sections 363, 34,
302, 201 of the Indian Penal Code.

Prosecution story in brief is that the son of the
informant was last seen along with the petitioner, Neeraj Kumar
and co-accused Happy Kumar, who had taken the deceased to
attend marriage function. Petitioner is named in the FIR along



with the other co-accused.

Learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner as well as co-accused and the deceased were friend and they were known to each other. It has come in paragraph no. 82 of the case diary that the deceased was having love relationship with the cousin sister of co-accused Happy Kumar. There is no eye witness to the alleged commission of murder of the deceased who is the son of the informant. Petitioner has been implicated in this case merely on suspicion.

Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for grant of bail to the petitioner. He submits that from the perusal of the paragraph nos. 4,5 and 6 of the case diary it appears that the present petitioner was involved in commission of murder of the son of the informant as such the petitioner does not deserve to be released on bail.

Learned A.P.P., for the State has supported the submission made by the learned counsel for the informant.

Having heard the rival submission of the parties, petitioner is named in the FIR and he was last seen to have accompanied along with the deceased, who is the son of the



informant, in restatement in paragraph no. 4, the informant has reiterated the allegation made in the FIR, the independent witnesses who were examined in course of investigation in paragraph nos. 5 and 6 are not eye witness to the said incidence but merely on the basis of suspicion, they have supported the allegation made in the FIR, from paragraph no. 82 it would appear from the statement of the co-villager namely, Sudama Sharma, who, in his statement has alleged that the petitioner along with the deceased and Happy Kumar were seen together and the alleged murder has been committed by the co-accused Happy Kumar because deceased was having love relationship with the cousin sister of Happy Kumar. Apart from that there is no evidence or material on record to implicate the petitioner in the alleged murder of the son of the informant. There is no allegation of tampering the evidence or influencing the witnesses.

Taking into consideration the age of the petitioner above named, who is a young boy, aged about 20 years is a student is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Siwan in connection with Barharia P.S. Case No. 368 of



2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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