

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35072 of 2022

Arising Out of PS. Case No.-298 Year-2019 Thana- NARDIGANJ District- Nawada

Murari Kumar Son Of Shital Mahto R/O Village- Kahuara, P.S.- Nardiganj,
District- Nawada (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Advocate.
For the Informant	:	Mr. Vibhuti Ranjan Sonvadra, Advocate.
For the State	:	Mr. Pranav Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-09-2022 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.

Heard Mr. Arjun Prasad, learned counsel for the petitioner, Mr. Vibhuti Ranjan Sonvadra, learned counsel for the informant 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 Nardigani P. S. Case No. 298 of 2019 registered for the offences punishable under Sections 365 read with 34 of the Indian Penal Code and later on, Sections 302 and 201 and 120(B) of the Indian Penal Code were added.



As per the prosecution case, it is alleged that on 07.11.2019 at about 06:30 P.M., the son of the informant left his house but did not return. Hence, initially the F.I.R. of his kidnapping was lodged on suspicion against all the F.I.R. named accused person and others and later on, the dead body of the son of the informant was recovered, thereupon, offence under Sections 364 and 302 of the Indian Penal Code was also added in the F.I.R.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R., however, during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused Ramadhin Kumar @ Ramdhani Prasad and save and except the confessional statement, there is no other material showing the complicity of the petitioner, however, said Ramadhin Kumar @ Ramdhani Prasad has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 36786 of 2020 vide order dated 12.07.2021. It is also submitted that one another co-accused person, namely, Mithun Kumar has also been allowed privilege of bail by co-ordinate Bench of this Hon'ble Court. It is further submitted that there is no independent witness to the alleged occurrence nor any other



material has come during the course of investigation suggesting the complicity of the petitioner in the alleged offence and the petitioner having fair antecedent, himself surrendered before the court below itself on 08.04.2022, since then he is in custody.

On the other hand, learned counsel for the informant submits that the name of the petitioner has transpired on the confessional statement of co-accused persons, apart from the fact that during the course of investigation, materials have come showing the complicity of the petitioner.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has transpired on the confessional statement of co-accused Ramadhin Kumar @ Ramdhani Prasad and the said co-accused has already been granted bail by learned co-ordinate Bench of this Hon'ble Court and so far the petitioner is concerned, he having fair antecedent, is in custody since 08.04.2022, 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 Judicial Magistrate- 1st Class, Nawada in connection with Nardigani P. S. Case No. 298 of 2019, 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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