

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51829 of 2021

Arising Out of PS. Case No.-159 Year-2021 Thana- KADAMKUAN District- Patna

Mohit Kumar Son Of Mohan Prasad Gupta Resident Of Village - Dariyapur
Gola, Mohar Tola, Gobar Tali, P.S.- Kadam Kuan, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma- Sr. Advocate Mr. Zainul Abedin- Advocate
For the Opposite Party/s :		Mr. Lakshmi Kant Sharma- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Kadam
Kuan P. S. Case No.159 of 2021, instituted for the offences
under Section 302/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 14.04.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that his younger brother on 11.03.2021 had
gone to participate in a procession along with his friends, but
did not return and his mobile was also switched off. It is further



alleged that on 12.03.2021, the informant got information that a dead body of a young boy was lying in government school, Nala Road. Accordingly, the informant reached at the place of occurrence and identified the dead body as that of his sister. Accordingly, the informant based on suspicion alleges that the friends of the deceased namely, Mohit Kumar and Ankit Kumar have committed the occurrence.

The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the entire allegation hinges around suspicion. There is no eye witness to the occurrence and further, absolutely no motive has been alleged in the F.I.R. that as to why, the petitioner being friend of the deceased would have killed. Merely because the deceased had gone to participate in the procession along with his friends and the occurrence took place that the informant suspects that may be the friends of the deceased i.e. petitioner and others might have killed him.

The learned A.P.P. for the State opposes the bail application submits that from perusal of the impugned order, it would manifest that learned Court below has recorded that the deceased was last seen with the petitioner. The learned senior counsel rebutting the submissions submits that it is an admitted



fact that the deceased along with his friend had gone to participate in the procession then definitely he would have been seen with the petitioner and his friends. It is further submitted that petitioner is a student of Patna Collegiate.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and the entire allegation hinges around suspicion and the petitioner is a young boy aged about 20 years and is a student, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Patna in connection with Kadam Kuan P. S. Case No.159 of 2021, subject to condition that one of the bailers shall be the father of the petitioner namely, Mohan Prasad Gupta.

The application stands allowed.

(Satyavrat Verma, J)

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