

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44296 of 2022

Arising Out of PS. Case No.-377 Year-2020 Thana- PAKARIBARAW District- Nawada

Niranjan Kumar @ Mauni @ Mauni Kr., S/O Nawal Kishore Singh, Resident
Of Village- Kesauri, P.S.- Pakribarwa, District- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan Kumar, Advocate
For the State	:	Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Pakribarwa P.S. Case No. 377 of 2020
registered for the alleged offences under Section 364 of the
Indian Penal Code and subsequently added Sections 302, 201
and 120(B) of the Indian Penal Code.

As per prosecution case, the son of the informant
went missing and later on, his dead body was recovered. The
name of the petitioner transpired as one of the persons who
was involved in abduction and killing of the son of the

informant.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is apparent from the F.I.R. that for occurrence dated 01.11.2020, the F.I.R. has been lodged on 06.11.2020. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused persons namely Kailu Singh and Shankar Singh. But, no material has come against the petitioner except the confessional statement of co-accused persons. One of the witnesses examined during investigation by the police named these two co-accused persons who were last seen with the deceased. The recovery of dead body was made at the instance of the two co-accused persons. The innocence of the petitioner was also certified by the informant who filed petition before the learned Judicial Magistrate wherein he has stated that his daughter-in-law named this petitioner for being involved in this case due to previous enmity as after next day of occurrence, his daughter-in-law was fleeing away from his house and the petitioner stopped her. The copy of the petition has been filed on record. Charge sheet has been submitted in this case and the petitioner is in custody since 29.05.2022. The petitioner has

got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner transpired during investigation in the confessional statement of co-accused persons.

Having regard to the facts and circumstances and submission made on behalf of the petitioner and considering the lack of substantive material against the petitioner and also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with Pakribarwa P.S. Case No. 377 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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