

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55454 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- BATH District- Bhagalpur

Nirdosh Kumar, Son of Permanad Singh, Resident of Village - Karhariya,
P.S.- Bath, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 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 learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bath P.S. Case No. 40 of 2020 for the offences punishable under Sections 302/201 of the Indian Penal Code.

As per the prosecution story, the son of the informant went missing on 09.08.2020 and on the next day his dead body was found hanging from a Mango tree.

It is submitted on behalf of learned counsel for the petitioner that the F.I.R. has been instituted against unknown persons. However, during the course of investigation, it has



come that the deceased was love affair with one Ankita Bharti, who is the sister-in-law (Bhabhi) of this petitioner. It has also come that this petitioner also threatened the deceased with dire consequences. It is further submitted that the similarly situated co-accused, namely Nirbhay Singh @ Nirbhay Kumar and Ajeet Kumar, have already been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 14056 of 2021 vide order dated 05.08.2021. He further submits that the petitioner is in custody since 29.12.2020.

It is next submitted by the learned counsel for the petitioner that co-accused Arun Kumar, who is having similar allegation, has also been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 23028 of 2021 vide order dated 02.02.2022, a copy of which has been produced by the learned counsel for the petitioner and the same has been kept on record.

On the other hand, learned APP for the State opposes the bail application and submitted that during investigation it has come that the petitioner had threatened the deceased.

Having taking into consideration the materials available on record, especially, except the suspicion that there is no material on record which suggest the involvement of this



petitioner. Further the parity also demands the privilege of bail in favour of the petitioner, as the other accused persons have already been granted regular bail and anticipatory bail, as stated herein above, let the petitioner, named above, is directed to 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 Additional Chief Judicial Magistrate-13, Bhagalpur in connection with Bath P.S. Case No. 40 of 2020 subject to the condition that one of the bailors will be the close relatives 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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