

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59066 of 2021

Arising Out of PS. Case No.-273 Year-2021 Thana- NATHNAGAR District- Bhagalpur

ABINASH KUMAR Son of Ram Swaroop Mandal Resident of Village -
Basantpur, P.S. - Lodipur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 29-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Nathnagar (Madhusudanpur) P.S. Case No. 273 of 2021
registered for the offences punishable under Sections 302,
201/34 of the Indian Penal Code.

As per prosecution case, informant is a Chaukidar
and on 08.05.2021 the informant was moving in his area and in
course of moving he got an information that one corpse is lying
near the southern side of road at Kesiya Ward situated near
Kesiya river. On getting such information, he reached there and



saw that one corpse of a person was lying and some parts of his body was eaten by animals. Although there was rush but nobody was identifying the dead body and the persons who were standing there were saying that the dead body is of outsider and someone has thrown it in order to conceal the dead body.

Learned counsel for the petitioner submits that petitioner is in custody since 30.05.2021 and he bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. The F.I.R. has been lodged against unknown and the name of the petitioner has been surfaced on the self confessional statement of the petitioner himself as mentioned in Para 58 of the case diary. No incriminating material has been recovered from the possession of the petitioner. It has been submitted that the petitioner was made accused on the basis of suspicion as no material has been found to connect the petitioner with the alleged occurrence as F.I.R. has been lodged against unknown. He further submits that C.D.R. as mentioned in the case diary suggests that there is talk by the mobile of petitioner with the deceased and except this nothing is on record which could establish any connection to the alleged occurrence and petitioner has been remanded in the said case on the basis of his own



confessional statement and nothing has found on record to connect the present petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, nature of allegation as well as F.I.R. has been lodged against unknown, charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Pooja Sharma, learned J.M., 1st Class, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 273 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

shahzad/-
amit

U		T	
---	--	---	--

