

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54423 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Nitish Kumar, Son of Late Ajit Mahto, R/O Village- Phulmalik, P.S.-
Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
Mr. Binod Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-11-2022 This petition has been taken up for out of turn hearing
on a mentioning slip being moved on behalf of the petitioner
that the wife of the petitioner is at advance stage of pregnancy.

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

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

In the present case, the petitioner seeks bail in
connection with Sahebpur Kamal P.S. Case No. 166 of 2022,
registered for the alleged offences under Sections 302, 201, 120
(B) of the Indian Penal Code.

As per prosecution case, the daughter of the informant
died in the house of her co-accused husband after ten years of



marriage. The petitioner is stated to be involved in the murder of the daughter of the informant along with the co-accused husband and others.

The learned counsel for the petitioner emphatically submits that the petitioner is not related to the co-accused husband in any manner. He is merely a co-villager and he gave his tractor to carry the dead body for cremation and on this ground he has been made an accused in this case, otherwise he has no concern either with the co-accused husband or the deceased. The petitioner is in custody since 26.06.2022 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the name of the petitioner transpired during investigation that he actively helped the co-accused husband in disposing of the dead body.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation coupled with the fact that the petitioner is allegedly the owner of the tractor stated to be used in cremation of the dead body and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Additional Chief Judicial Magistrate-IV, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 166 of 2022, 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)

V.K.Pandey/-

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