

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70426 of 2021**

Arising Out of PS. Case No.-349 Year-2021 Thana- GAYA KOTWALI District- Gaya

MAYANK KUMAR Son of Arun Prasad @ Arun Kumar @ Munna Resident
of Mohalla - Piperpanti, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 05-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.09.2021, charge-sheet has been
submitted and has antecedent of six cases.

The informant alleges that on 04.08.2021 Rahul
Kumar called the son (deceased) of the informant from the
house. Further, the deceased did not return and on 04:00 p.m.
the informant received information that Rishi Kumar, Mayank
Kumar (petitioner) and Monu threw the dead body of the



deceased and fled away.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant is not an eyewitness to the occurrence. The FIR does not even remotely suggest the motive for the occurrence and the entire allegation hinges around suspicion and co-accused Monu @ Monu Kumar has been granted bail by the learned court below by order dated 08.03.2022 in B.P. No. 309 of 2022.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 16.09.2021, charge-sheet has been submitted and informant is not an eyewitness to the occurrence and the allegation hinges around suspicion and co-accused has been granted bail by the learned court below as aforesaid, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kotwali P.S. Case No. 349 of 2021, subject to the condition that one of the bailors shall be the father (Arun



Prasad @ Arun Kumar @ Munna) of the petitioner and after release if the learned court below comes to a conclusion that the petitioner is trying to delay the proceeding of the case then the learned court below shall forthwith cancel the bail bond of the petitioner after recording reasons.

(Satyavrat Verma, J)

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