

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70446 of 2021

Arising Out of PS. Case No.-306 Year-2021 Thana- HISUWA District- Nawada

1. Nitish Kumar, Son of Umesh Prasad Chaurasiya @ Tusan Chaurasiya, Resident of Village - Dhewri, P.S.- Hisua, District - Nawada
2. Sangita Devi, Wife of Nitish Kumar, Resident of Village - Dhewri, P.S.- Hisua, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Subodh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

In the present case, the petitioners seek bail in connection with Hisua P.S. Case No. 306 of 2021 registered for the alleged offences under Sections 363, 302, 201 and 120B of the Indian Penal Code.

As per prosecution case, the son of the informant went missing when he had gone to attend the tuition class. The informant named the petitioner no.1, who has earlier threatened him that he would kidnap his son when some dispute arose between them. Later on, the petitioners were arraigned as



accused persons in this case during investigation.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case merely on suspicion. It is admitted from the FIR that there is enmity between the parties and the informant is not an eye witness to any occurrence. The petitioners have been made accused in this case, on the basis of their confessional statement. They are in custody since 14.06.2021 and charge-sheet has been submitted.

Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioners for grant of bail. It has been submitted by the learned counsel for the informant that the petitioners confessed their crime that they strangled the son of the informant and concealed his dead body in a drum. At the instance of the petitioner no.1, dead body was recovered from the house of the father of the petitioner no.1. Learned counsel further submits that the post mortem report also supports that prosecution case and cause of death has been stated to be asphyxia due to pressure on neck (throttling).

Having regard to the submissions made on behalf of the parties and considering the fact that the dead body has been



recovered at the instance of petitioner no.1, I am not inclined to enlarge the petitioner no.1 **Nitish Kumar** on bail.

Hence, the prayer for bail of petitioner no.1 **Nitish Kumar** is rejected.

However, further considering the fact that the petitioner no.2 **Sangita Devi** is a lady and considering her period of custody, she 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 Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No. 306 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner no.2.
- (ii) The petitioner no.2 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 no.2 will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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