

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10351 of 2023

Arising Out of PS. Case No.-384 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

AMIT KUMAR, Son of Bipin Singh, Resident of Village- Mohanpur, P.S.-
Muffasil, District- Begusarai

... .. 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. Raj Kishor Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-05-2023 Heard Mr. Ashok Kumar, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with S.T. No. 420 of 2022, arising out of Mufassil P.S. Case No.384 of 2021, registered for the offences punishable under Sections 364/34 of the Indian Penal Code, but the police submitted charge-sheet for the offences under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case is based on the written report filed by the informant alleging therein that one Rajesh Kumar @ Ashiq Kumar and the petitioner came to his house on a bike and took his younger brother along with them. He further alleged that in the evening when his brother did not return, he called his



brother on his mobile, upon which he told that he is in Barauni and will be returning home. However, his brother did not return, thereupon he again called him on his mobile, but his number was found switched off. The informant further alleged that his elder brother Rahul Kumar had fled away with the wife of co-villager Rahul Singh on 02.07.2021 and later on solemnized marriage with her, which was resented by co-accused Vikash Singh, who had called his elder brother and threatened with dire consequences. It is further alleged that when the informant called Vikash Singh, he stated that he killed his brother and he will also kill him.

Submission has been made on behalf of the learned counsel for the petitioner that from the F.I.R. itself it would be evident that the petitioner along with Rajesh Kumar @ Ashiq Kumar had gone away along with the deceased and in the evening of the fateful day the deceased had a talk with the informant and he never made any complaint against the petitioner and anyone. It is next submitted that had there been any enmity with the petitioner, the deceased would have never gone along with the petitioner and other co-accused person.

It is further submitted that the said Vikash Singh against whom there is specific allegation that he threatened with



dire consequences and accepted that he killed his brother has already been allowed bail by the learned trial court itself, as is evident from the order passed by the learned coordinate Bench of this Court in Cr. Misc. No. 36855 of 2022 wherein the learned court considering the facts has also been granted bail to co-accused Rajesh Kumar @ Ashiq Kumar vide order dated 26.09.2022.

The next submission for consideration has been made that the police in course of investigation has found no cogent material connecting the petitioner with the present crime and the deceased died due to asphyxia, as a result of drowning. The petitioner is in custody since 06.05.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is the person, who took away the deceased along with other accused person and thereafter the deceased never returned. The petitioner is also carrying two criminal antecedent over his head.

Regard being had to the submissions made on behalf of the parties and considering the fact that other two co-accused persons, having more or less similar allegation, have been allowed the privilege of bail and the petitioner is in custody for about one year and now the charge-sheet has already been



submitted and the case has been committed to the Court of Sessions, let the petitioner, named above, 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 learned Chief Judicial Magistrate, Begusarai in connection with S.T. No. 420 of 2022, arising out of Mufassil P.S. Case No.384 of 2021, 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

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

