

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10933 of 2023

Arising Out of PS. Case No.-244 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Wakil Das @ Wakil Kumar, S/O Rameshwar Das, R/O Village- Manikpur
Sareya Ward No- 10, P.S- Areraj, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No.558 of 2021, arising out of Muffasil P.S. Case No. 244 of 2021, registered for the alleged offences under Section 302/120(B) of the Indian Penal Code.

3. As per prosecution case, the dead body of the son of the informant was recovered and the informant named the petitioner and co-accused Rinku Dvi along with some unknown persons for murdering his son by pressing his neck.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is clear from the FIR that the informant is not the eye



witness to the occurrence. The petitioner has been named in this case only on suspicion. There is no eye witness to the occurrence and none has seen the petitioner in the company of the deceased. The petitioner has been named in this case in the confessional statement of co-accused and it is a case only based on circumstantial evidence, but there are no circumstances to link the petitioner with the offence as alleged. No motive has been imputed to the petitioner. The co-accused Rinku Devi has been granted bail by a Coordinate Bench of this Court vide order dated 13.04.2022 passed in Cr. Misc. No.59084 of 2021. The petitioner is in custody since 08.06.2022 and the charge sheet has been submitted.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner is named in the FIR and the co-accused has named him for being involved and the death has been caused due to asphyxia due to strangulation.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that there appears no substantive material to connect the petitioner in the offence as alleged 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with Muffasil P.S. Case No. 244 of 2021, 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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