

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12789 of 2023

Arising Out of PS. Case No.-667 Year-2022 Thana- ARA NAGAR District- Bhojpur

Yash Kumar @ Kumar Yash Kumar @ Aryan Kumar, Son of Nawlesh Singh
@ Nawlesh Kumar Singh, resident of Sirsiya, P.S.- Barhara, Distt- Bhojpur At
Ara, At Present Residing In Marutinagar, Sundarnagar, P.S.- Ara Town, Dist
Rict- Bhojpur At Ara

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate Mr. Ravi Shanker Pankaj- Advocate Mr. Kumar Rajdeep- Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti- A.P.P. Mr. Manoj Kumar- Advocate Mr. Raj Narayan Mishra- Advocate Mr. Vineet Kumar- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 27-07-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 302/ 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that his cousin brother (Akash Dubey,
deceased) had gone to attend a birthday party on 19.07.2022 and
when he did not return till 10.00 P.M., his mother called him on
his mobile and he said that he is busy and thereafter, his mobile



was switched off. It is next alleged that on 20.07.2022, informant went to the house of the petitioner to enquire about Akash Dubey, when the petitioner was disclosed that Akash was with him till 10.00 P.M. on 19.07.2022 and thereafter, left for his home. It is next alleged that he received an information that dead body of his cousin was found near the Airport and police has brought the dead body to the hospital. Accordingly, he went to the hospital and saw the dead body with mark of injuries. Thus, on suspicion alleges that petitioner along with others killed his brother.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case merely on basis of suspicion. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges on 20.07.2022, when he had gone to enquire from the petitioner about the deceased, the petitioner informed that the deceased was with him till 10.00 P.M. on 19.07.2022 and thereafter, he left for his home. It is next submitted that the F.I.R. also discloses that the mother of the deceased had called him at about 10.00 P.M. when she had a talk with the deceased and who said that he will come after sometimes and thereafter, the mobile was switched off. It is thus submitted that when his



mother called him at that point of time, the deceased did not even remotely disclose that his life was in danger, which amply demonstrates that the petitioner has been implicated in the present case merely on basis of suspicion as he had disclosed to the informant that the deceased was with him till 10.00 P.M. on 19.07.2022. The learned counsel next submits that petitioner will not abscond and will cooperate in the investigation.

5. Learned A.P.P. along with learned counsel for the informant opposes the bail application, but are not in a position to rebut the submission of the learned counsel for the petitioner that informant is not an eye witness to the occurrence and merely based on suspicion the petitioner has been implicated.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P. S. Case No.667 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

(Satyavrat Verma, J)

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