

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17850 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- PIPRA District- Supaul

Shambhu Kumar, Son of Late Babuji Das, Resident of Village- Kataiya Rahi
P.S.- Pipra, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

The prosecution case in nutshell is that husband of informant was walking in front of his house, in the evening. When he did not returned, informant began to search for him but he could not be traced. In the morning, it came to know that dead body of her husband has been found near water level of Nahar. Informant raised strong suspicion that F.I.R. named accused persons have killed her husband and concealed his dead body.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. He has got no criminal antecedent. He is not named in the F.I.R. Petitioner has no concern at all either with the informant or with the deceased. There is no eye witness of the alleged occurrence and during investigation, no any legal and cogent material has been found against the petitioner to show his complicity in the alleged occurrence. His name has been dragged in this case on the basis of confessional statement of co-accused Avinesh Kumar @ Avnesh Kumar recorded before the police, which has no legal and evidentiary value in the eye of law. Nothing incriminating article has been recovered from the possession of the petitioner. It is further submitted that the petitioner is languishing in judicial custody since 18.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined



to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Pipra P.S. Case No. 301 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Supaul.

(Sunil Kumar Panwar, J)

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