

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30168 of 2023**

Arising Out of PS. Case No.-172 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

=====

Dilkhush Kumar S/O- Vashishth Ray Village- Kalyanpur Basti Tole Ps-
Mohiuddin Nagar Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Md. Aslam Ansari

=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 201, 302/34, 376(2)(g) of the Indian Penal Code.

As per allegation in the FIR, when the mother of the informant went for call of nature, petitioner along with other accused persons caught her and administered her some intoxicating substance. It is also alleged that they ravished her and killed her by drowning in a pond.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. It is also



submitted there is no eye witness of the alleged occurrence. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused Suraj Kumar, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 07.04.2022 passed in Cr. Misc. No. 57220 of 2021. Save and except confessional statement no consistent evidence has come against the petitioner during investigation which shows his complicity in the alleged occurrence. Similarly situated other accused namely Mithilesh Kumar @ Mithilesh Kr. has already been enlarged on bail by this Bench vide order dated 02.02.2023 passed in Cr. Misc. No. 58847 of 2022. As per impugned order, the petitioner has got not criminal antecedent. The petitioner has voluntarily surrendered on 18.01.2023 and since then he is languishing in judicial custody.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Mohiuddin Nagar P.S. Case No.172 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees



ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Samastipur.

(Sunil Kumar Panwar, J)

lata/-

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

