

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22282 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

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VISHWANATH KUMAR S/o Biran Gond @ Biran Sah Resident of Ward No.
14, Village- Pakargaon, P.S.- Bagaha 1, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 16-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

Prosecution case relates to commission of murder of
informant's son by the accused persons in the background of
love affair developed between the son of the informant and
daughter of co-accused Binod Sah.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He is
innocent. No one is eye witness of the alleged occurrence. His
name has been dragged in the present case because of tower



location of his mobile, found near the place of occurrence and the same does not come within the purview of material evidence. Save and except this, there is no tangible evidence against the petitioner to show his involvement in the alleged occurrence. By applying force, confessional statement of co-accused Brijesh Sah and self confessional statement of the petitioner were recorded by the police, which has no evidentiary value in the eye of law. Similarly situated accused persons were granted bail by co-ordinate Bench of this Court vide order dated 24.02.2022 passed in Cr. Misc. No. 64952 of 2021 and order dated 7.12.2022 passed in Cr. Misc. No. 29313 of 2022. Petitioner is a man of clean antecedent. He is languishing in judicial custody since 5.7.2021.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM, Railway Court, West Champaran, Bettiah in connection with



Narkatiyaganj Railway P.S. Case No. 10 of 2021.

(Sunil Kumar Panwar, J)

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