

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26425 of 2023

Arising Out of PS. Case No.-20 Year-2022 Thana- KARAHGAR District- Rohtas

NIRAJ KUMAR Son of Mahendra Sah R/V- Garura, PS- Shiv Sagar, Dist-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Kuber Pathak, Advocate
For the State	:	Mr Jharkhandi Upadhyay, APP
For the Informant	:	Mr Raghunandan Kumar Singh, Advocate

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner and the
learned APP.

The petitioner has preferred this application for grant of regular bail in connection with Kargahar PS Case No 20 of 2022 dated 19.01.2022 registered for the offence punishable under Sections 302, 201/34 of IPC.

As per the prosecution case, the informant's son was at his house. In the meantime, the petitioner came and took him away to village – Babhani where the informant's son, the petitioner and co-accused Ritesh Kumar took food in the hut of one Paramhans Yadav. When the informant's son did not return in the night then in the morning, the informant and the villagers started searching the informant's son. When they reached Babhani and enquired about the informant's son then they saw



that the informant's son was drowned in the canal and had sustained injuries. It is further alleged that the informant has full confidence that the petitioner and the co-accused Ritesh Kumar murdered his son and threw the dead body in the canal to conceal the evidence.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the possession of the petitioner. It is further submitted that the hut in which the petitioner along with the other co-accused took food belongs to one Paramhans Yadav who was not examined by the IO. The petitioner bears clean antecedent, as stated in paragraph 3 of the bail petition. He is in custody in this case since 20.01.2022.

Learned APP for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that the post mortem report reflects that the cause of death is asphyxia due to drowning with head injury caused by the hard and blunt substance which indicates that before drowning, the victim had sustained injury over his head. It is further submitted that the case of the petitioner is on a different footing compared to the case of the co-accused Ritesh Kumar who has already been granted bail by this Court by order



dated 21.09.2022 passed in Cr Misc No 28348 of 2022. It was the petitioner who took away the deceased to village – Babhani and, thereafter, the dead body was found in the canal.

Considering the aforesaid facts and circumstances of the case, the period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IV, Rohtas at Sasaram in Sessions Trial No 216 of 2022 arising out of Kargahar PS Case No 20 of 2022 dated 19.01.2022 subject to the following conditions:

One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

The petitioner shall remain physically present before the Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds will be liable to be cancelled.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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