

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32616 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- BARIYARPUR District- Munger

Adarsh Kumar, son of Pawan Singh @ Pawan Kumar Singh, resident of
Village- Bhalar, P.S.- Dharahra Dist-Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Bariyarpur P.S. Case No.214 of 2022 registered for the
offences punishable under Sections 364 read with 34 of the
Indian Penal Code but, later on Section 302 and 120B of the
Indian Penal Code.

3. The accused/petitioner is not named in the FIR and
is in custody since 31.12.2022.

4. Allegation against the petitioner is to commit the
murder of husband of informant along with named co-accused
persons, where occurrence is alleged to be arises out of previous
dispute relating to money transaction.

5. It is submitted that the name of petitioner surfaced
during the course of investigation on the basis of confessional



statement of co-accused, Jitendra Kumar, where in furtherance thereof, no incriminating material recovered/surfaced as to connect petitioner *prima facie* with present occurrence of murder. It is submitted that similarly situated co-accused persons, namely, Abhishek Kumar @ Nepali, Sukesh Kumar Chhotu and B.C. @ Raghunandan Sharma have already granted bail by different learned co-ordinate Bench of this Court vide orders passed in Cr. Misc. No.26840 of 2023 dated 24.05.2023 and in Cr. Misc. No.21229 of 2023 dated 13.07.2023 respectively. While concluding argument, it is submitted that the petitioner is man of clean antecedent and moreover investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as save and except suspicion arises out of confessional statement, nothing surfaced during the course of investigation against the petitioner as to connect him *prima facie* with present occurrence of murder, coupled with the fact that charge-sheet has already submitted,



where petitioner is in custody since 31.12.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Munger in connection with Bariyarpur P.S. Case No.214 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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