

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29204 of 2022

Arising Out of PS. Case No.-529 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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NIKHIL KUMAR @ ABHISHEK KUMAR SRI SUNIL SAO ALIAS SUNIL
KUMAR GUPTA Resident of Village-Deo Naya Bazar, P.O.and P.S.-Deo,
District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s :		Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-02-2023 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 201, 302, 363, 365 and 34 of
the Indian Penal Code.

Learned senior counsel for the petitioner submits that
petitioner is in custody since 07.12.2021 and is a persons with
clean antecedent. It is next submitted that from perusal of the
case diary, it would manifest that the informant alleges that her
daughter did not return home and while they were searching
they got a call from the petitioner who stated that he had left her
in front of her Deo Gate, further alleges that after sometime the



petitioner along with Sunil made a call and informed that they are coming with the victim but they never showed up.

Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that it is not disputed that petitioner and the deceased were known to each other, it is also submitted that deceased was forcing the petitioner to marry her and when he refused she consumed sleeping tablets on account of which she lost her consciousness but the petitioner made all endeavours to take her to the hospital, but on the way she died. The learned senior counsel next submits that from perusal of the case diary and from the confessional statement of the petitioner, it would also manifest that the petitioner had confessed that the deceased had come to his shop and she was pressurising him to marry and when he refused she consumed 10-12 sleeping pills, on account of which he became nervous but made all endeavours to save her by taking her on an auto to the hospital, but on the way she died. The learned senior counsel further submits that though confession before the police is not admissible in evidence but apart from the said material there is nothing to connect the petitioner with the offence, it is also submitted that no technical investigation was made in order to verify as to whether the



petitioner had made call to the informant or not as alleged in the FIR, it is next submitted that even presuming what has been alleged is true without admitting then if the petitioner had informed the informant on phone as alleged in the FIR, then the same amply demonstrates that he had no intention of committing an occurrence or else he would not have called to inform that his daughter is with him and has left her near Deo Gate. The learned senior counsel next submits that charges have been framed and only one witness has been examined and the petitioner will not abscond and will co-operate in the trial.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner, but does not dispute the submissions made by the learned senior counsel that apart from confession there is no material transpired during the course of investigation to connect the petitioner with the offence.

Considering the submission made by the learned counsel for the petitioner, the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nagar P.S. Case No. 529 of 2021.



In the event, if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner. The learned trial court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

(Satyavrat Verma, J)

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