

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30604 of 2023**

Arising Out of PS. Case No.-718 Year-2022 Thana- CHAPRA TOWN District- Saran

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GOLU KUMAR @ GOLU KUMAR PATEL @ SAGAR KUMAR Son of
Sankar Prasad R/o mohalla - Dahiyawan, Siya Masjid, P.S. - Chapra Town,
Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 13-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a

period of four weeks from today.

3. The petitioner seeks bail in connection with Chapra

Town P.S. Case No. 718 of 2022 registered for the offence under

Section 363 of the Indian Penal Code

4. The accused/petitioner is not named in the F.I.R.

and is in custody since 02.12.2022.

5. As per F.I.R., the son of informant was missing

since 27.10.2022, where after three days of reporting occurrence

to police, his decomposed dead body was recovered which was

totally decomposed remaining only skeleton.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case as he was named during the course of investigation out of oblique motive without having any cogent material. It is submitted that entire basis of implication is the hearsay input of one Hussain Khan, who informed informant that he saw his son, with this petitioner and other unknown co-accused persons before occurrence but said Hussain Khan was not examined during the course of investigation by police. It is submitted that on the basis of said suspicion the confessional statement of petitioner was obtained during the course of investigation, where in furtherance of no incriminating material recovered/surfaced so as to connect this petitioner, *prima facie*, with present occurrence of murder. It is submitted that even the dead body of the son of deceased found in decomposed condition with skeleton only and no cause of death was ascertained. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.



8. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except “last seen” with deceased/son of the informant which too based upon hearsay input coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Chapra Town P.S. Case No. 718 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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