

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35310 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- KASHICHAK District- Nawada

Sonu Kumar Son of Krishna Yadav Resident of Village- Bazidpur, PS-
Kashikchak, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar, Advocate
For the Opposite Party/s :	Mr. Ajay Kumar No. 2, APP
For the Informant :	Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Kashichak P.S. Case No. 38 of 2023 for the offences punishable under Sections 363/365/364/302/34 of the Indian Penal Code lodged on 10.02.2023 by the informant, Shiv Shankar Kumar.

3. As per the prosecution story, allegation is that the informant alleged that his uncle was missing since 31.01.2023 and Sonu Kumar and Sanni Kumar had come twice in search of his uncle and, as such, he has reason to believe that they are behind the occurrence/missing of his uncle. Accordingly, the FIR.

4. Subsequently, the dead body of the uncle of the



informant was recovered and Lalit Kumar and Ritesh Jha were apprehended who confessed to the crime and further named Sonu Kumar S/o. Sanjay Singh and Sonu Kumar son of Krishna Yadav as his accomplice and further Sonu Kumar son of Sanjay Singh wanted elimination of Ganauri Singh. They took him in a car where Sonu Kumar pressed his neck till his death whereafter they threw the body near a bridge.

5. In this case, the irony is that Sonu Kumar S/o. Sanjay Singh against whom specific allegation has been made by Ritesh Jha in his confessional statement is now out on bail vide Cr. Misc. No.45967 of 2023. Even Ritesh Jha has been granted bail by the subordinate Court and the ordersheet has been provided by learned counsel for the petitioner.

6. In this case on earlier, date the case-diary was called for which has since been received and the learned Additional Public Prosecutor has drawn attention of this Court to the fact that after recovery of the dead body near a bridge, a U.D. case was lodged on 08.02.2023. Post mortem was conducted and the cause of death has been found to be cardio respiratory failure due to above injury caused by haemorrhage and shock. According to the said U.D. Case, the body seems to have fallen from the bridge. Later, it came to knowledge that he



was the missing uncle of the informant.

7. In that view of the matter against the confessional statement of Ritesh Jha that Sonu Kumar S/o Sanjay Singh pressed the neck of the uncle of the informant, the cause of death has been recorded differently, prima facie, this Court is satisfied that the petitioner is entitled for bail.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Nawada, in connection with Kashichak P.S. Case No. 38 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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