

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44500 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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KRISHNA KANHAIYA KUMAR, Son of Late Ram Pramod Kumar,
Resident of Village- Ward No. 4 Krishna Nagar, Khusharupur, P.S. -
Khusharupur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 25-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection with
GRP Bakhtiyarpur (Khusharupur) P.S. Case No. 18 of 2023,
dated 28.02.2023 registered for the offences punishable under
Sections 302, 201, 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act.
3. The main submissions advanced by learned
counsel Mr. Sanjay Kumar, appearing for the petitioner are that
the petitioner is not named in the FIR and he had no enmity with
the deceased so there was no reason for him to be involved in
the alleged crime of murder, in fact in the alleged occurrence
co-accused Mahendra @ Baba was mainly involved and in this



regard he and another co-accused person made confessional statements before the police and according to their statements petitioner only gave his mobile phone to the co-accused Mahendra Yadav @ Baba on his request and as petitioner's mobile was used by him and petitioner's small shop (*Gumti*) is situated near the place of recovery of the dead body or place of occurrence, the petitioner's phone's location was found near the said place and moreover if the confessional statements of the co-accused persons are deemed to be true even then no serious allegation appears against this petitioner. Further submissions are that the petitioner has been languishing in jail since 13.03.2023 having fair and clean antecedent and against him the investigation has been completed.

4. Learned APP Mr. Narendra Kumar Singh appearing for the State has opposed the prayer for bail.

5. Having regard to the facts and circumstances of this case, considering the above submissions and mainly the facts that the petitioner is not named in the FIR and as per the order impugned he was made accused mainly on account of the recovery of the alleged mobile phones as well as his mobile phone's location being found near the place of occurrence and as per petitioner's plea his shop is situated near the place of



occurrence and co-accused Mahendra Yadav @ Baba used his phone and also taking into account petitioner's fair and clean antecedent and the completion of investigation against him, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with GRP Bakhtiyarpur (Khusharupur) P.S. Case No. 18 of 2023.

(Shailendra Singh, J.)

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