

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45829 of 2022

Arising Out of PS. Case No.-374 Year-2020 Thana- SHEKHPURA District- Sheikhpura

ABHISHEK KUMAR SON OF MANOJ KUMAR R/O VILLAGE-
JIYANBIGHA, WARD NO.-6, KOSRA, P.S.- SHEIKHPURA (KUSUMBHA
O.P.), DISTRICT- SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Sinha

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Sheikhpura (Kusumbha O.P.) P.S. Case No. 374 of 2020
registered for the offences punishable under Sections 302, 201,
379 and 34 of the IPC.

As per prosecution case, petitioner and others are
alleged to have committed the murder of informant's son and
thrown the dead body near Tati river at lonely place.

Learned counsel for the petitioner submits that
petitioner is in custody since 10.02.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution



evidence. He further submits that petitioner is quite innocent and falsely implicated in the case due to village politics. He further submits that there is no eye witness to the alleged occurrence and FIR has been lodged only on the basis of suspicion as both are close friends. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner and deceased were friends and used to commit cyber crime and on account of this the petitioner committed the alleged crime.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of



the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate at Sheikhpura in connection with Sheikhpura P.S. Case No. 374 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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