

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46756 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- DHANAHA District- West Champaran

SHIVCHARAN NISHAD Son of late Achelal Mukhiya @ Late Achhelal Nishad Resident of Village-Dounaha, Police Station- Dhanaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kr Singh No. 1, Advocate
For the State	:	Mrs.Pushpa Sinha.1, A.P.P.
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 06-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State as
also the learned counsel for the informant.

The petitioner seeks regular bail in
connection with Dhanaha P.S. Case No. 224 of
2021 registered for the offences punishable under
Sections 302, 201, 120(B) and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

The case of the prosecution, according to
the informant, is that on 23.12.2021, his son had
gone to drop his son and daughter to their school,
however, when he did not return, enquiry was
made and the grandson of the informant, namely,
Ranjeet Kumar Kushwaha revealed that two



persons had forcibly taken the son of the informant in a sugarcane field where 10 other persons were present from before. Subsequently, the dead body of the son of the informant was recovered from the said sugarcane field of Dhananjay Singh and bullet injuries were found on the head and chest of the said deceased. It has also been alleged that the informant was a witness in the case of one Pitambar Thakur, hence he had been threatened by one Aakash Kushwaha, after he had come out from custody, whereafter he had conspired and killed the son of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 12.06.2022. The learned counsel for the petitioner has further submitted that there is no eye witness to the alleged occurrence and the name of the petitioner has transpired on the basis of confessional statement made by the co-accused person, namely, Jaichand Kushwaha, however,



there is no material on record to suggest the complicity of the petitioner in the alleged occurrence. Lastly, it is submitted that no cogent material has come during investigation so as to connect the petitioner with the alleged occurrence, hence petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State and the learned counsel appearing for the informant have vehemently opposed the prayer for bail and have submitted, by referring to the case diary, that three criminals were hired from the State of U.P., namely, Vivek Singh, Vivek Mishra and Sonu Yadav and as far as the mobile phone used for coordinating the crime committed in the present case, is concerned, the same has been recovered from the co-accused persons, namely, Vivek Singh and Vivek Mishra and Sonu Yadav being their main accomplice, all the said three persons are the prime culprits.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that minuscule evidence is available in the case diary so as to connect the petitioner with the alleged crime apart from the fact that one other similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court vide order dated 26.09.2022 passed in Criminal Miscellaneous No. 28615 of 2022, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 224 of 2021.

(Mohit Kumar Shah, J)

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