

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54335 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- HARSIDHI District- East Champaran

BHIM KUMAR @ PRINCE KUMAR S/o Mukesh Singh @ Mukesh Kumar
Singh Resident of Village- Babu Tola, Harsidhi, P.S.- Harsidhi, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Harsidhi
P.S. Case No. 209 of 2021 registered for the offences punishable
under Sections 302, 120(B), 34 of the Indian Penal Code.

As per prosecution case, on 03.06.2021, informant's
son received a call and went out from the house informing his
mother that his friend called him but his son did not return. When
the informant called Manish Kumar who informed that his son will
come back after some time and thereafter, Manish Kumar switched
off his mobile. It is further alleged that informant's son had earlier
talked with the friends of Manish Kumar namely Bhim Kumar
(petitioner) and others who threatened to kill his son. It is further
alleged that on 01.06.2021, Deepak Kumar and Atish Kumar



assaulted informant's son in the market. It is further alleged that on 05.06.2021, the informant came to know that his son had been killed by slitting his neck.

Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged against him in FIR. The petitioner has falsely been implicated in the present case merely on suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. There is no eye witness to the alleged occurrence. Co-accused Rupesh Kumar has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 61803 of 2021 and the case of present petitioner stands on similar footing. Learned counsel for the petitioner submits that petitioner is in custody since 18.06.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by co-ordinate Bench of this Court, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 209 of 2021, 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)

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