

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54720 of 2023

Arising Out of PS. Case No.-456 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

ANIL KUMAR SON OF MAHESH RAM RESIDENT OF VILLAGE-
RAMPUR JAYAPAL, PS- BOCHAHAN, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Bochachan P.S. Case No. 456 of 2022 registered under Sections 302 and 120B of the Indian Penal Code lodged on 01.11.2022 by the informant, Bikram Kumar.

As per the prosecution story, the allegation is that the deceased was threatened by the petitioner of dire consequences as he used to talk with his sister. As both were friends, the informant did not took it seriously. On the fateful night, he came to know that the victim boy is with the petitioner as also Roushan Kumar and Mukesh Kumar and later he became traceless. He thus went to the house of the petitioner who told him to go to the Basauli village and should search him there.



When they went to Basauli village, behind bush near FCI go down, the dead body was found with knife injury. Accordingly, the case lodged against the accused persons including the petitioner herein.

It is the case of the petitioner that he was subsequently arrested and police forced him to made confessional statement. He has nothing to do with the alleged occurrence and only because he was last seen along with Mukesh Kumar and Vishal Kumar, his implication.

Further, as they were friends, had the knowledge that the victim is having love affair with a girl at Basauli village and thats why in casual manner, he had informed the informant to visit Basauli village that does not mean that he was the person behind the occurrence. The last submission is that Mukesh Kumar and Vishal Kumar @ Vikram has been granted bail by a co-ordinate Bench of this Court vide order dated 03.05.2023 & 16.05.2023 passed in Cr. Misc. No. 5960 of 2023 and Cr. Misc. No. 17369 of 2023.

Learned APP for the State, on the other hand, submits that when the informant enquired, it was the petitioner who asked them to go to Basauli village where the dead body was recovered. It is his further submission that subsequently, he also



confessed before the police

Considering the facts on record, the submissions put forward by the learned counsel for the petitioner, admittedly, it is a case of last seen, as per the prosecution story, the victim boy was seen with three persons namely, Vishal Kumar, Mukesh Kumar and the petitioner herein, the other two have been extended the privilege of bail as stated above, he has remained in custody since 02.11.2022 and has no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffrpur East in connection with Bochahan P.S. Case No. 456 of 2022, 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/her *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/her 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 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 his 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 the bail bonds.

(Rajiv Roy, J)

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