

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58516 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- KISHUNPUR District- Supaul

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MUKESH KUMAR S/o Janardan Yadav R/V- Sukmarpur, P.S.- Kishanpur,
Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Singh, Advocate
For the Informant/s	:	Mr. Sanjeev Verma, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 15-02-2023 Let the defect(s), if any, pointed out by the office

be removed within two weeks from the date of this order, failing

which the matter be listed again under the appropriate heading

for necessary action.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Kishanpur P.S. Case No.105 of 2022 registered for the offences

punishable under Sections 363, 366, 34, 302 and 201 of the

Indian Penal Code.

As per the prosecution, the informant alleged that his

wife has been kidnapped by this petitioner along with the co-

accused persons.



The main submissions advanced by the learned counsel Mr. Ranjan Kumar Singh for the petitioner are that the petitioner is not named in the FIR and he happens to be the brother-in-law of the named accused Mukesh Yadav and during investigation the name of the petitioner surfaced and he was made accused mainly on the basis of conversation between him and named accused Mukesh Yadav through mobile phones and except this there is no any other material against him and in the FIR only suspicion was raised by the informant and there is a contradiction between the restatement of the informant and the allegations made by him in the FIR and the FIR was lodged after the inordinate delay and the petitioner has been languishing in jail since 11.05.2022.

Learned counsel Mr. Sanjeev Verma appearing for the informant has opposed the bail prayer and submitted that the petitioner was involved in the alleged murder and he accepted his involvement in the alleged crime in his statement given before the police.

Learned APP Mr. Suresh Prasad Singh appearing for the State has also opposed the bail prayer.

Having considered the above submissions and mainly the fact that the petitioner is not named in the FIR and at



subsequent stage the petitioner's role came into light and the prosecution is mainly relying on the statement of this petitioner given before the police as well as his communication with the named co-accused Mukesh Yadav who happens to be a relative of the petitioner at the relevant time of the alleged occurrence and except these materials there is no any direct evidence showing the petitioner's involvement in the alleged murder and also considering the petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in connection with Kishunpur P.S. Case No.105 of 2022.

(Shailendra Singh, J)

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