

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57900 of 2022

Arising Out of PS. Case No.-552 Year-2022 Thana- NAWADA District- Nawada

1. Aman Kumar Son Of Krishna Yadav Resident Of Village - Aanti, P.S. - Kadirganj, District - Nawada.
2. Mukesh Yadav Son Of Ravindra Yadav Resident Of Village - Aanti, P.S. - Kadirganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Prakash

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 341, 323, 504, 506, 302, 201/34 of the Indian Penal Code.

The prosecution case in nutshell is that petitioners and other co-accused persons took away the deceased, Shivam Kumar on the point of pistol and assaulted him by means of butt of pistol and tied gamchha over his neck. When the informant raised protest, petitioners and others



threatened them of dire consequences. Later, dead body of Shivam Kumar was found.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. It is also submitted that entire prosecution story has been brought only on suspicion and presumption as none had seen committing the offence, nor any one had found the dead body, rather the dead body was found by someone, thereafter the postmortem was done and then the F.I.R. has been lodged. Moreover, the petitioners are languishing in judicial custody for more than six months. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail. It is submitted that petitioners are named in F.I.R. and the specific overt act of allegation of assaulting is levelled against the petitioners. Aman Kumar assaulted the deceased by means of Butt of Pistol and Mukesh Yadav and



others tied Gamcha around the his neck. Postmortem report also corroborated with the prosecution case.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Kadirganj (Nawada Town) P.S. Case No. 552 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada.

(Sunil Kumar Panwar, J)

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