

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56854 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- LAUKARIA District- West Champaran

MUNNA KUMAR Son of Gauri Shankar Sah R/V- Nepali Tola Ramnagar,
P.S- Ramnagar, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Laukariya P.S. Case No. 45 of 2022 registered under sections 302 and 34 of the Indian Penal Code.

Prosecution case in short, is that, the informant was patrolling in his area and got information that near Narayanpur Buniyadi Pool, one dead body was lying. Further, informant reached to the place of occurrence and found that one dead body was lying there in beheaded condition. He intimated to the local police station and on the basis of written application of informant, the instant case has been registered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in F.I.R. rather his name came into light in this case during investigation on the basis of his self confessional statement before the police which has got no evidentiary value in the eye of law. It is further submitted from para-8 of this petition in which it is said by the police that the petitioner confessed his guilt by going there on request of those two friends on motorcycle and there they took drink but he was not at all acquainted with the plan going on in the mind of co-accused Sudhir Mishra and he also could not notice about the intention in giving more drink to the victim and when the victim went in semi unconscious position, co-accused Sudhir Mishra who was close to the victim, suddenly he got him fall upon the earth and after taking the Bakhua, he instantly ordered to the petitioner to catch hold the leg and it was he who hit upon the neck of the victim and forcibly took the petitioner also with him on bike and after washing the Bakhua, he handed over to the petitioner to keep anywhere and also forcibly gave his cloth found with bloodstain to hide it on a lonely place. Further, it cannot be said that the petitioner was acquainted with the intention of that co-accused Sudhir Mishra who was planning a pre-intention to eliminate the victim because the victim was the person who was not liking the intimacy between his sister and co-



accused Sudhir Mishra and always against from their relation. It is also submitted that nothing consistent evidence came against the petitioner to implicate in the alleged offence and also there is no eye witness of the alleged occurrence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 15.05.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Laukariya P.S. Case No. 45 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st, Bagaha, West Champaran.

(Sunil Kumar Panwar, J)

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