

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58030 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- BAIRIYA District- West Champaran

Arun Kushwaha Son Of Ramlal Prasad Resident Of Village - Pujahan
Patjirwa, Kairi Tola, Ward No.- 05, P.S.- Shrinagar, District - West
Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 17-02-2023 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 a case registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal
Code.

The prosecution case in nutshell is that petitioner
along with other co-accused person, namely, Sittu Mishra,
called the son of the informant and thereafter taken on other
motorcycle by unknown persons. It is also alleged that when
they did not return, informant started searching for his son
and next morning dead body of his son was found.



It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner is involved in the alleged occurrence nor he is aware about the alleged occurrence. There is no eye witness of the alleged offence and neither any motive has been assigned by the prosecution for the alleged offence. There is no consistent and material evidence against the petitioner and on the basis of confessional statement of co-accused Silu Mishra, the name of petitioner sprang up in this case. Moreover, the petitioner has suomoto surrendered on 26.07.2022 and since then he is languishing in judicial custody.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

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 petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bairiya P.S. Case No. 191 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 Chief Judicial Magistrate, Bettiah, West
Champaran.

(Sunil Kumar Panwar, J)

nirajkrs/-

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