

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61049 of 2022**

Arising Out of PS. Case No.-107 Year-2022 Thana- KURSAKANTA District- Araria

ARVIND KUMAR @ ARVIND KUMAR SINGH Son of Ganesh Singh @
Ganesh Lal Singh R/O Village- Budhwa, Goss Nagar, Ward No- 08, P.S-
Kursakanta, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Surendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 23-03-2023 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Kursakanta P.S. Case No. 107 of 2022 for the offence
punishable under sections 302/34/120 (B) of the Indian Penal
Code.

As per allegation, son of the informant namely Pankaj
Kumar was married to co-accused Sakina Devi 11 months prior
to lodging of the FIR. The behavior of Sakina Devi was not
cordial towards her husband. Later on, it was detected that she
has love affair with Arvind Kumar, the petitioner. The son of the
informant was working in Punjab and when he returned from
Punjab he went to his *sasural*, house of Sakina Devi and on



10.06.2022 Pankaj Kumar and Sakina Devi were returning to their house. Meanwhile, Sakina Devi, Arvind Kumar, the petitioner along with some unknown persons committed murder of the deceased by pressing his neck in water.

Learned counsel for the petitioner has submitted that there is no material against the petitioner except the confessional statement of Sakina Devi. The informant is not an eye witness neither he has mentioned in the FIR from whom has he heard about the factum of occurrence. He has submitted further that no external or internal injury was found on the person of deceased which shows that the allegation of strangulation is false. He has submitted further that as a matter of fact the deceased died due to drowning which is corroborated by the post-mortem report and the petitioner has falsely been implicated for some ulterior motive. He is under custody since 12.06.2022.

On the other hand the learned Addl.P.P has opposed the prayer for bail and submitted that the informant is eye witness and he has mentioned from whom he has heard the factum of occurrence.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on



bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Araria in connection with Kursakanta P.S. Case No. 107 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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